ÉTUDES ÉLECTORALES

Québec's electoral system

Basic reference manual

5th edition, october 2002

Gilles Pageau
Jacques Laflamme

LE DIRECTEUR GÉNÉRAL
DES ÉLECTIONS DU QUÉBEC

103-02539/

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In this document, the masculine form designates both women and men.
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Legal deposit - october 2002
Bibliothèque nationale du Québec
National Library of Canada

ISBN 2-550-39994-3
ISSN 1118-9721

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Note

Québec's Election Act confers a major responsibility on the Chief Electoral Officer of Québec in respect of public information. Under section 488, he shall:

- provide any person applying therefor with advice and information regarding the administration of this Act;
- give the public access to the information, reports, returns or documents relating to this Act.

It is with this responsibility to inform the public in mind that the Chief Electoral Officer has taken the initiative to popularize Québec's electoral system. This document reviews the institutional context in which the electoral activities take place, as well as the administrative operations that make possible the free exercise of the right to vote. This document is intended as an effective tool for persons interested in acquiring the basic knowledge required for a good understanding of Québec's electoral system within the framework of a provincial election.

In this document, attention mainly focuses on the powers and duties that the Election Act (R.S.Q., c. E-3.3) confers on the Chief Electoral Officer. However, two other Acts impose certain obligations on the Chief Electoral Officer:

- the Referendum Act (R.S.Q., c. C-64.1), which confers certain responsibilities on the Chief Electoral Officer within the framework of provincial referendums;
- the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), which confers certain responsibilities on the Chief Electoral Officer within the framework of municipal polls.

It is important to point out that this document is in no way intended as a substitute for Québec's Election Act (R.S.Q., c. E-3.3), the election regulations or the directives issued by the Chief Electoral Officer. *Québec's Electoral System - Basic reference manual* is a briefing document, which in no case may replace the Election Act.

Marcel Blanchet
Chief Electoral Officer
Chairman of the Commission de la représentation électorale

Introduction

The choice that electors make of the persons who will govern them by way of elections by universal suffrage is the very foundation of democracy, and the making of this choice implies a set of dynamics characterizing the interrelations between each of the participants active in the electoral system.

This document investigates the procedures that are characteristic of Québec's electoral system. Its objective is to give those persons who are interested in the election field and, in particular, those persons who have responsibilities in the holding of an election, the basic knowledge that they require to properly understand Québec's electoral system. This overview of the electoral system is given from the standpoint of the neutrality of the Chief Electoral Officer as an institution and is the product of an effort to popularize and summarize the general principles.

This document is divided into three parts. Part One deals with the role of elections in a political system as well as with the components, namely the voting system and the establishment of the electoral map in Québec's electoral system. Part Two covers the functions of each participant in the system, namely the electors, the political parties and the Chief Electoral Officer (on whom the returning officers and assistant returning officers in each electoral division hierarchically depend). Finally, Part Three describes in chronological order each operation of an electoral event.

To help the reader better grasp the nature, the components and the function of the various participants for each electoral procedure, the contents of each chapter take two distinct forms: a summary and a schematic table.

For each chapter a summary situates the components peculiar to each topic addressed. This text of an introductory nature seeks to answer certain basic questions related to each type of electoral procedure such as:

- what is this procedure?
- what are the main stages?
- who are the main participants?
- what are their respective responsibilities?

The schematic tables allow readers to visualize the basic concepts upon reading the summaries. The tables allow them to follow the progression of the activities within each electoral procedure and illustrate the dynamics of the interactions between each participant in a global context.

In each chapter the summaries and schematic tables follow a sequential order of activities: Before - During - After. The reader is thus able to grasp the preparatory activities (Before), the main activities (During) and the subsequent activities (After) pertaining to each electoral procedure.

Part one
Québec's electoral system

1

Political system, electoral system and elections

1.1 What is a political system?

The function of a political system is to develop and maintain mechanisms to support social relations and to provide for the organization and maintaining of the State[1]: a structure to govern the community. In addition to the political forces that are active at the social level of the political system (citizens, groups, media, political parties), the political system is composed of four components grouped under the concept of the State:

- the executive component (the government or Cabinet) the function of which is to lead the government;
- the legislative component (the elected assembly, namely the National Assembly) the function of which is to establish the operating standards by passing laws;
- the administrative component (the departments and agencies) the function of which is to ensure that the standards are implemented;
- the judicial component (the courts) the function of which is to punish those who contravene the standards.

In Québec's parliamentary system, the executive and legislative components are interdependent in more than one respect:

- the executive power, which is vested in the Prime Minister and his Cabinet, stems from the legislative component, namely the National Assembly. In other words, the executive power is composed of some of the elected members belonging to the political party that obtained the simple majority at the National Assembly in the last general election;
- concomitantly, the executive power is answerable for its decisions to the legislative component, namely to the National Assembly.

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1 Louis Borgeat and al., *L'administration québécoise*, P.U.Q., E.N.A.P., 1982, p. 14.

The composition and, consequently, the credibility of the process in effect at the time of the election of a new National Assembly take on special importance. Indeed, the National Assembly is the only institution of Québec's political system that enjoys full popular legitimacy. Indeed, all of the members who make up the National Assembly are elected by the people of Québec as a whole. The election of our elected members in accordance with recognized rules constitutes the main function of Québec's electoral system.

1.2 What is an electoral system?

Often defined as a mechanism making it possible to translate the votes of electors into seats in the National Assembly, the electoral system may also be defined as all of the rules and procedures that determine the conditions of the election of our parliamentary representatives[2]. The main participants, or players, of our electoral system are:

- the electors;
- the political parties;
- the Chief Electoral Officer.

From a legal standpoint, the electoral system is based on a certain number of laws[3]. Among them, the Election Act holds a very important place. Indeed, it is the Election Act that determines the rules that apply during the holding of Québec by-elections or general elections. For this reason, the Election Act imposes certain limits on the actions that participants may take during an election period. The Election Act also identifies the mechanisms that allow electors to elect their representatives. As a result, the Election Act remains the ultimate reference for any person or group wishing to participate in an electoral event or to observe it as it unfolds.

1.3 What is the role of an election?

An election is also a tool for representing electors in political institutions. The electors' response to a government's actions takes shape in the free choice of their representatives, which in a way constitutes the purpose of the election. Québec has a representative-type democracy: through the free competition between political parties, elected members are elected directly by the electors and thus become their representatives. As a result, our National Assembly, as an elective Assembly, is the essence and foundation of the democratic model of our political system.

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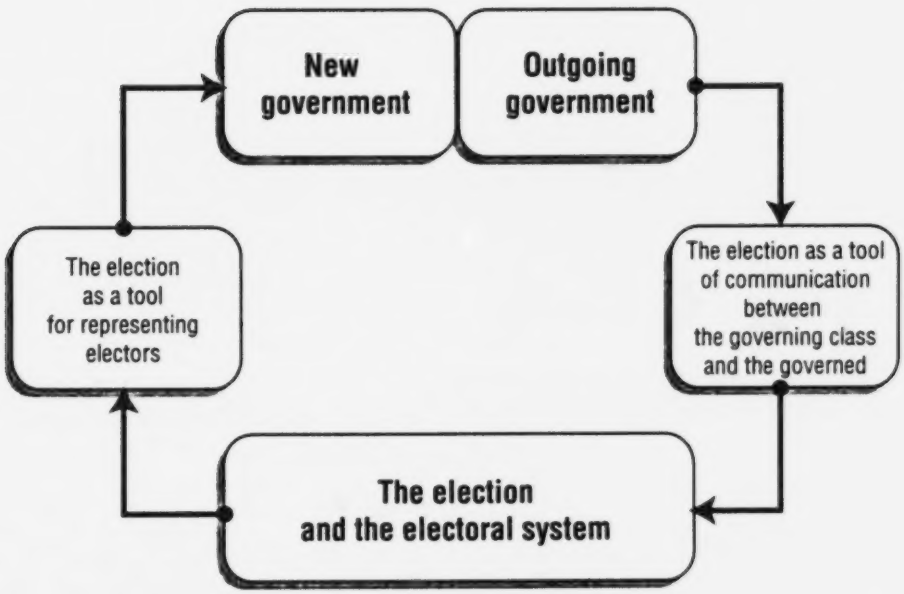
2 Robert Boily, *La réforme du système électoral québécois*, 1965, p. 2.

3 Election Act (R.S.Q., c. E-3.3), Referendum Act (R.S.Q., c. C-64.1), Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2).

An election is also a political event, which allows electors to approve or reject the political orientations of their government. Unlike in the case of a referendum where citizens are asked to decide on a precise question, an election is first and foremost a key means for electors to provide feedback on all of the actions of the elected members and the government. From this angle, an election is a choice communication tool between the governing class and electors.

Political institutions and the electoral system


New government
Outgoing government
The election as a tool of communication between the governing class and the governed
The election and the electoral system
The election as a tool for representing electors

1.4 What are the characteristics of our parliamentary system?

In a democracy, the elected Chamber constitutes the heart of the parliamentary system and represents, by its dynamics, the ideal forum for debates between the various political parties. Since December 1968 our parliamentary system has had only one Chamber: the National Assembly.

As we saw previously, the government is made up of certain elected members of the party that holds the majority of seats in the National Assembly. The government's function is to ensure the political direction of the Québec state.

The actions of the government and the public administration are scrutinized at the National Assembly by the parliamentary opposition made up of elected members who may or may not be grouped in political parties and who did not obtain the majority required to form the government. Among these members, those who belong to the political party that ranked second in terms of seats in the National Assembly form the official opposition. The debates at the National Assembly take place publicly and in the presence of representatives of the news media.

The National Assembly may, in addition to sitting as an assembly, transform itself into a plenary committee. Elected members also take part in standing committees, namely committees designed and created to deal with certain specialized public administration fields, or in special committees set up to examine a specific subject. All of the debates of the National Assembly as well as certain parliamentary committees are televised.

The calling of general elections (those held in all of the electoral divisions of Québec) depends on two variables:

- a no-confidence vote by a majority of the elected members directed against the government;
- the advice of the Prime Minister, leader of the executive power, to dissolve the Assembly before or at the end of its five-year mandate.

Based on the tradition of the last fourteen general elections, namely since 1948, general elections are held on average every 43 months (3.8 years). The date of the elections is set by the Prime Minister within the time limits imposed by electoral law, namely the Act respecting the National Assembly and the Election Act as well as the Canadian Constitution (Constitution Act of 1982, s. 4). The order or writ instituting the holding of a general election is addressed to the Chief Electoral Officer.

A by-election is held in an electoral division to fill a vacancy resulting from the resignation or death of an elected member or from a legal decision. When a member's seat in the National Assembly becomes vacant, the order or writ of election is forwarded to the Chief Electoral Officer by the Prime Minister, not later than six months from the 1st day of the vacancy. However, the Prime Minister is not obliged to issue such an order or a writ when the vacancy occurs more than four years after the last general election. As soon as an order or a writ instituting the holding of a general election is issued, any order or writ instituting the holding of a by-election becomes null and void.

Unlike in the bicameral parliamentary system[4] and the presidential system where there is more than one level of election[5], the re-election of members sitting in the National Assembly of Québec takes place at a single level: that of the provincial electoral division. The Prime Minister, who is the leader of the political party forming the parliamentary majority, must be elected as the member of an electoral division.

Election activities cannot be limited solely to general election or by-election periods. Indeed, each participant takes part on an on-going basis in the dynamics of the electoral system, be it the Chief Electoral Officer who must be ready at all times for an eventual election, the political parties or the elected members who get ready for the next elections and who maintain permanent ties with the electorate and their supporters.

1.5 What are the representation mechanisms?

Every electoral system is based on specific mechanisms that make it possible to ensure the representation of electors. The tangible application of the principle of universal suffrage calls for precise rules that are as much a matter of political tradition as they are of electoral legislation.

There are two representation mechanisms:

- the voting system
- the electoral map

The voting system is the mechanism whereby the votes cast by Québec electors in an election are translated into a certain number of seats in the National Assembly. The voting system is not simply a method of calculating the votes for the distribution of seats; it is also the mechanism that determines the orientation or the meaning given to the notion of representation. Québec has a single-member constituency plurality system (see chapter 2). The other mechanism is the establishment of the electoral map. Its function is to divide Québec electors among various representation territories. In Québec these representation territories are known as "electoral divisions" and their number has been set at 125 since the September 25, 1989 general election (see chapter 3).

The voting system and the establishment of the electoral map are two complementary and consistent representation mechanisms.

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4 Parliamentary system that includes two separate houses. This is the case at the Canadian federal level where there is an appointed upper house (the Senate) and an elected lower house (the House of Commons).

5 American electors, for example, can choose during the same poll several of their representatives at various territorial levels: the President, senators, members of congress, governors, etc.

1.6 Who are the participants in Québec's electoral system?

Electors

The elector is at the heart of electoral events as by exercising his right to vote, he is democratically showing his opinion about political life. He is the central player in the electoral system, around whom all of the other players revolve.

In Québec, the electoral system has been based since 1940 on the principle of universal suffrage allowing all citizens to exercise their right to vote freely and in secret (see chapter 5).

All of the activities of the other players of the electoral system are directed towards the electors: be they the activities of the Chief Electoral Officer who must ensure that electors are able to exercise their right to vote freely or those of the political parties which solicit the support of electors to have members elected to the National Assembly. In summary, the choice made by the electorate represents the very purpose of our electoral system.

Political parties

Partisan organizations are the main vehicles for the representation of electors. While electors are at the heart of the political process during an election, political parties play a central role in the operation of the National Assembly and the government between two elections. With a view to holding positions of political authority, political parties place great importance on their electoral function for it is this function that allows them to ensure the government function. This electoral function may be defined as all of the activities of the political parties with the goal of winning the elections (see chapter 6).

Experience shows that the formation of parliamentary majorities today depends on a bipartite system in Québec, based on the existence of two major parties, which alternately control the government without the need for coalitions with other parties. These two parties alone obtain more than three-quarters of the seats. Currently, the Parti québécois and the Liberal Party of Québec form the two main partisan organizations in the National Assembly. They hold 124 of the 125 seats (99.2%). The other seat (0.8%) was won by the Action démocratique du Québec in the November 30, 1998 election.

While several other political parties exist[6], Québec's electoral system is not very open to third parties.

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[6] Ten political parties authorized by the Chief Electoral Officer ran for election at the time of the November 30, 1998 general election.

The Chief Electoral Officer

At the provincial level, the administration of electoral laws, which determine the democratic rules for ensuring the proper unfolding of elections and referendums, is entrusted to the Chief Electoral Officer in his capacity as the person designated by the National Assembly. The non-partisan administration of elections is thus a responsibility of the Chief Electoral Officer. The Chief Electoral Officer is an independent institution within Québec's public administration. The Chief Electoral Officer is chosen from among the electors of Québec on a motion from the Prime Minister, and this resolution must be approved by two-thirds of the members of the National Assembly (see chapter 7).

The Chief Electoral Officer is assisted by returning officers who are responsible for the non-partisan administration of electoral events in each electoral division of Québec. The returning officers are appointed by the Chief Electoral Officer following the holding of public competitions. The term of office of a returning officer is ten years.

1.7 Electoral process

The organization and carrying out of an electoral event necessitate a series of operations involving the various players already identified. The Election Act serves as a regulatory mechanism for setting the terms and conditions for the operation of the electoral process.

A series of preliminary operations is necessary to ensure that an election takes place democratically and to allow the elector to exercise his right to vote freely and secretly.

In chronological order, the operations necessary for an election are as follows: first, to be able to exercise his right to vote, a person who is a qualified elector must be entered on the list of electors. A "revision" operation makes it possible to update and purge the list of electors during the election period (see chapter 8).

To be officially recognized as candidates in a specific electoral event, all candidates must file a nomination paper with the returning officer of the electoral division in which they wish to run for election. Moreover, an independent candidate who wishes to collect contributions and incur election expenses must be authorized by the returning officer of his electoral division. For the official candidate of a political party, his party has already been authorized by the Chief Electoral Officer (see chapter 9).

These operations must take place before the elector can exercise his right to vote. The large majority of Québec electors exercise their right to vote on polling day. However, the Election Act gives those electors who are unable to vote on polling day the possibility to take part in the advance poll. Moreover, some electors staying in a hospital centre or a reception centre may vote at a mobile polling station. Electors outside Québec can exercise their right to vote by mail. Finally, inmates of houses of detention under provincial or federal jurisdiction vote a few days before polling day, in the case of general elections (see chapters 10-11).

Following the poll, another series of operations is necessary before the candidates can be officially declared elected. It is only after the counting of the votes on polling day and after the official addition of the votes on the day after polling day that the official results of the elections are known (see chapter 12).

Finally, it is important to point out that an election is only definitively over several months after polling day, once a series of operations has been completed.

These operations make it possible to declare the candidates elected in the days that follow polling day, to publish the official results of the poll and to publish the returns on the control of financing and of the expenses of the candidates and political parties (see chapter 13).

2 Voting system

2.1 What is a voting system?

In a representative-type democracy, where all of the citizens of a community delegate the decision-making power to a representative assembly, the mechanisms whereby the citizens choose their representatives take on capital importance for ensuring democracy. One of the basic mechanisms for representing the electorate is the voting system. The voting system may be defined as being a representation mechanism making it possible to translate the votes cast by the electorate into a certain number of seats for the political parties or the independent candidates in an elected assembly (the National Assembly in Québec).

There are two main types of voting systems in a parliamentary system: the plurality system and the proportional representation system. Under the first system, the obtaining of a majority of votes in each of the electoral divisions is necessary to elect a representative. The second system - the proportional representation system – makes it possible to attribute to each political party a number of seats proportional to the number of votes that the party obtains. There is also a third category of voting system known as the mixed system because it borrows elements from the plurality and proportional representation systems. There is a large variety of applications of these representation mechanisms according to the sociopolitical context of the various countries.

2.2 What are the characteristics of the voting system in Québec?

The voting system that has been in effect in Québec since 1861 is the single-member constituency plurality system. This voting system, in the tradition of the British political system, is still found today in most Commonwealth countries and in the United States except with respect to the election of the President in this latter case. Under the single-member constituency plurality system, a candidate running in an electoral division must obtain the greatest number of votes, namely a rela-

tive majority to become the elected member. Prior to that, between 1792 and 1861, the voting system in effect in Québec was the constituency plurality system. It was single-member in some electoral divisions and pluri-member in others, where two members were elected.

Single-member constituency plurality system

In Québec's plurality system the candidate who obtains the plurality of votes is declared elected, that is to say the person who obtained the greatest number of votes, whatever the total of the votes obtained by his opponents or whatever the number of electors. This formula is known as a relative majority[7]. The distinctive characteristic of this voting system is to not subordinate the election of a candidate to the obtaining of an absolute majority of votes, namely to not require that the candidate obtain half of the popular vote to be elected[8].

In our voting system there is only one elected member per electoral division. As a result, the elected candidate represents all of the electors of his electoral division regardless of his political allegiance. As all of the members of the National Assembly are elected on this same basis, there is only one category of elected members. With such a system, the principle of territorial representation necessarily requires that the number of electoral divisions coincide with the number of seats to be filled.

The plurality system in effect in Québec proposes a simple way of voting from the standpoint of the elector. Indeed, the elector only votes once for a single candidate and at a single location. As a result, each elector immediately designates his choice, unlike with the two-ballot plurality system (France, for example) where the outcome of the poll is often decided at the second ballot depending on the type of majority required and on the type of majority obtained after the first ballot. In our plurality system the candidates and electors generally find out the preliminary results on election night.

---

7 Specialists also use "simple majority".

8 In a division where candidate A would have obtained 27% of the votes, candidate B 23%, candidate C 29% and candidate D 21%, candidate C (29%) would win even though his opponents obtained a total of 71% of the votes.

2.3 Voting system and representation of electors

While the voting system is a representation mechanism that makes it possible to translate the popular vote of electors into a certain number of seats for the political parties or independent candidates, no electoral system can claim to translate the representation of the electorate completely or perfectly.

Relative majority and electoral representation

Within the context of Québec's political system where there is a single-member constituency plurality system, the main weakness affecting the representation of electors concerns the consequences of the relative majority rule.

Table I indicates that the inequality of representation seen from the standpoint of the effects resulting from the application of the relative majority principle is more pronounced in the general elections of 1970, 1973, 1976, 1989, 1994 and 1998 than in the general elections of 1981 and 1985. One may note that when the party system has more than two political parties which succeed in electing representatives to the National Assembly, as in the three elections of the seventies, the election of 1989, 1994 and that of 1998, the effects of the single-member constituency plurality system are clearer. At the time of these six elections, 55% of the members elected obtained the absolute majority of the votes cast, namely 50% or more of the votes. With the return of two parties in the 1981 and 1985 elections, 84% of the members elected obtained more than 50% of the votes cast. Consequently, a link exists between the more or less significant effects of the application of the majority principle in a single-member constituency plurality system and the type of party system (two-party or multi-party) that results therefrom.

Table 1 **Breakdown of the elected members by party and by the percentage of the votes that they obtained in the elections from 1970 to 1998**

Election years	Total number of members per election	Political parties	Number of elected members per party	Number of elected members			
				Over 50% of the popular vote	Between 40% and 50% of the popular vote	Between 30% and 40% of the popular vote	Between 20% and 30% of the popular vote
1970	108	L.P.Q.	72	26	28	17	1
		P.Q.	7	-	6	1	-
		R.C.	12	1	2	8	1
		U.N.	17	1	9	7	-
1973	110	L.P.Q.	102	71	27	4	-
		P.Q.	6	5	1	-	-
		R.C.	12	-	2	-	-
1976	110	L.P.Q.	26	4	13	9	-
		P.Q.	71	28	29	14	-
		U.N.	11	1	4	6	-
		R.C.	1	-	-	1	-
		P.N.P.	1	1	-	-	-
1981	122	L.P.Q.	42	35	6	1	-
		P.Q.	80	70	8	2	-
1985	122	L.P.Q.	99	86	13	-	-
		P.Q.	23	13	10	-	-
1989	125	L.P.Q.	92	69	21	2	-
		P.Q.	29	24	5	-	-
		E.P.	4	1	3	-	-
1994	125	L.P.Q.	47	36	11	0	0
		P.Q.	77	45	31	1	0
		A.D.Q.	1	1	0	0	0
1998	125	L.P.Q.	48	34	13	1	0
		P.Q.	76	42	34		
		A.D.Q./É.M.D.	1	0	1	0	0
TOTAL	947	-	-	594	277	74	2

E.P. : Equality Party
L.P.Q. : Liberal Party of Québec
P.Q. : Parti québécois
R.C. : Ralliement créditiste
A.D.Q.: Action démocratique du Québec
P.N.P. : Parti national populaire
U.N. : Union nationale

On November 2, 1998, Action démocratique du Québec asked to have the party's name changed to Action démocratique du Québec/Équipe Mario Dumont (A.D.Q./É.M.D.).

Popular vote and breakdown of seats

The second theme that catches our attention when we analyze the representation of electors in the face of a specific voting system is the distortion phenomenon or, more explicitly, the phenomenon of the difference between the percentage of seats obtained in the National Assembly and the percentage of votes given by the electors.

Table II, on the following page, illustrates these differences in Québec from 1944 to 1998. This table reveals that in all the cases, there is always a difference between the percentage of seats assigned to a party and the percentage of votes that the party obtained. However, this table also reveals that these inequalities in representation have varied in amplitude. That is why these differences attributable to the voting system are considered "fluctuations" as they may vary depending on the political situation at the time of each election and on the strategy of the political parties.

Globally, it may be said that the impact of the mechanics of the breakdown of seats resulting from the single-member constituency plurality system is to over-represent the party in power and to under-represent the official opposition. In the general elections of 1973, 1985 and 1989, the Liberal Party of Québec benefited from a positive difference of 38%, 25.1% and 23.7% respectively, whereas the Parti québécois obtained a positive percentage of 23.2% in 1976, 16.3% in 1981, 16.8% in 1994 and 18.1% in 1998. We are witnessing an alternation of Québec's two main political parties, with the opposition and the party in power both having the chance that the system will work in their favour at the next election.

Table II **Difference between the breakdown of votes and the breakdown of seats of political parties in Québec elections from 1944 to 1998**

Year	Number of electoral divisions	Members elected					% of votes obtained					% of seats obtained					Distortions				
		Parti libéral du Québec	Union nationale	Ralliement créditiste [1]	Parti québécois	Autres	Parti libéral du Québec	Union nationale	Ralliement créditiste [1]	Parti québécois	Autres	Parti libéral du Québec	Union nationale	Ralliement créditiste [1]	Parti québécois	Autres	Parti libéral du Québec	Union nationale	Ralliement créditiste [1]	Parti québécois	Autres
1944	91	37	48	-	-	6	39,5	35,8	-	-	24,7	40,7	52,7	-	-	6,6	+1,2	+16,9	-	-	-18,1
1948	92	8	82	-	-	2	38,3	51,0	-	-	10,7	8,7	89,1	-	-	2,2	-29,6	+38,1	-	-	-8,5
1952	92	23	68	-	-	1	45,8	50,5	-	-	3,7	25,0	73,9	-	-	1,1	-20,8	+23,4	-	-	-2,6
1956	93	20	72	-	-	1	45,5	51,8	-	-	2,7	21,5	77,4	-	-	1,1	-24,0	+25,6	-	-	-1,6
1960	95	52	42	-	-	1	51,4	46,6	-	-	2,0	54,7	44,2	-	-	1,1	+3,3	-2,4	-	-	-0,9
1962	95	63	31	-	-	1	56,4	42,1	-	-	1,5	66,3	32,6	-	-	1,1	+9,9	-9,5	-	-	-0,4
1966	108	50	56	-	-	2	47,3	40,8	-	-	11,9	46,3	51,9	-	-	1,8	-1,0	+11,1	-	-	-10,1
1970	108	72	17	12	7	0	45,4	19,6	11,2	23,1	0,7	66,7	15,7	11,1	6,5	-	+21,3	-3,9	-0,1	-16,6	-0,7
1973	110	102	0	2	6	0	54,7	4,9	9,9	30,2	0,3	92,7	0	1,8	5,5	-	+38,0	-4,9	-8,1	-24,7	-0,3
1976	110	26	11	1	71	1	33,8	18,2	4,6	41,4	2,0	23,6	10,0	0,9	64,6	0,9	-10,2	-8,2	-3,7	+23,2	-1,1
1981	122	42	0	-	80	0	46,0	4,0	-	49,3	0,7	34,4	0	-	65,6	-	-11,6	-4,0	-	+16,3	-0,7
1985	122	99	0	-	23	0	56,0	0,2	-	38,7	5,1	81,1	0	-	18,9	-	+25,1	-0,2	-	-19,8	-5,1
1989	125	92	-	-	29	4	49,0	-	-	40,2	9,9	73,6	-	-	23,2	3,2	+23,7	-	-	-17,0	-6,7
1994	125	47	-	-	77	1	44,4	-	-	44,8	6,5	37,6	-	-	61,6	0,8	-6,8	-	-	+16,8	-5,7
1998	125	48	-	-	76	1	43,6	-	-	42,9	11,8	38,4	-	-	60,8	0,8	-5,2	-	-	+17,9	-11

Source : Chief Electoral Officer

(1) In 1973, the name of the Ralliement créditiste was changed to that of "Parti créditiste".

2.4 Reform of the voting system

While Québec has kept its single-member constituency plurality system since 1861, Québec governments have on three occasions undertaken projects to reform this representation mechanism.

The first position that the government took on the reform of the single-member constituency plurality system dates back to the early seventies. In 1970 the government entrusted the Standing Committee of the National Assembly with the mandate of drawing up guidelines that could serve as a support for a reform. Numerous experts contributed and expressed their opinions before the elected members in a parliamentary Committee. In 1971 this Committee formed a study committee to make an in-depth examination of the voting system and to present possible avenues to the parliamentarians. Following the tabling of the study committee's report, the Standing Committee of the National Assembly decided to proceed solely with the reform of the electoral map.

In 1976 the government created the position of Minister of State responsible for Electoral and Parliamentary Reform. In 1979 this Minister tabled "One citizen, one vote. Green paper on the reform of the electoral system" in the National Assembly. This document made a critical examination of the single-member constituency plurality system and presented, for consultation, three possible avenues with a view to electoral reform.

In the spring of 1983 the National Assembly entrusted the Commission de la représentation électorale with the mandate of consulting individuals, groups and elected members in view of assessing the single-member constituency plurality system and the various formulas likely to amend or replace it.

On March 28, 1984 the Commission de la représentation électorale tabled its report in the National Assembly, a report which took stock of the interventions made during the public hearings and made a recommendation to amend the current voting system in favour of a "territorial-proportional" formula.

No immediate follow-up was given to this report. However, in December 2001 the National Assembly entrusted the Commission des Institutions with an initiative mandate on the voting system. Pursuant to this mandate, the Commission must evaluate the voting system currently in effect in Québec, examine the various avenues for reforming the representation method and finally, measure the impacts on representation, that of the regions in particular, on the role and operation of parliamentary institutions, on the formation and stability of governments, and more generally, on Québec's political system.

3

Establishment of the electoral map

3.1 What is an electoral division?

In a democratic and representative system, the delimitation of the territory for electoral purposes takes on great importance for the proper functioning of the electoral system as this delimitation ensures the territorial representation of electors grouped in electoral divisions. In Québec, the Election Act serves as a framework for the process of delimiting electoral divisions. In the Election Act, an electoral division is defined as "a natural community established on the basis of demographical, geographical and sociological considerations, such as the population density, the relative growth rate of the population, the accessibility, area and shape of the region, the natural local boundaries and the territories of local municipalities".

The same Act entrusts the Commission de la représentation électorale (CRE)[9] with the responsibility for the delimitation of Québec's electoral divisions. This Commission is made up of the Chief Electoral Officer (C.E.O.), who is the chairman ex-officio, and two other members appointed by the National Assembly from among the qualified electors. The Commission de la représentation électorale is an independent standing commission that has a decision-making power. The Commission acts in a neutral and impartial manner to ensure a fair and effective representation of the electors at the territorial level. The Chief Electoral Officer provides the Commission with the technical data and professional resources required to perform its task.

Each electoral division is delimited in such a way as to ensure respect for the principle of the effective representation of electors and to ensure that the number of electors of a division does not deviate by more than 25% from the quotient obtained by dividing the total number of electors (according to the permanent list of electors) by the number of electoral divisions. However, to attain the best representation possible, the

[9] Under the Act respecting elections and referendums in municipalities, the Commission de la représentation électorale is also responsible for the application of the provisions concerning the delimitation of electoral districts of certain municipalities.

Commission may decree a territory an exception if the Commission deems that the basic delimitation criteria do not suit a given territory. In addition to Îles-de-la-Madeleine, expressly recognized as an exceptional division in the Act, the Commission has thusfar given the electoral division of Ungava the status of an exceptional division. The number of electoral divisions in Québec is 125, namely the maximum number set by the Election Act.

3.2 What is the procedure for delimiting electoral divisions?

1. **Preparation of the proposal of the CRE and preliminary report**

   The Commission proceeds to make a new delimitation of the electoral divisions after the 2nd general election following the last delimitation. With this aim in mind, the Commission prepares a proposal that is the subject of a preliminary report. This report is delivered to the President or the Secretary General of the National Assembly in the 12 months following the date of the general election.

2. **Examination of the proposal of the CRE and preparation of the final report**

   The preliminary report must be made public without delay. To ensure that the public understands its proposal sufficiently, the Commission de la représentation électorale endeavours to reach the greatest number of Québec residents possible through an information and publicity campaign.

   In the six months following the tabling of its preliminary report, the Commission de la représentation électorale, after having given appropriate notice, holds public hearings in the various regions of Québec to find out the opinions of organizations, individuals and elected members.

   The preliminary report is then submitted to the Committee on the National Assembly. For the purposes of examining the report, all the Members may take part in the debates of the Committee.

   Following the public hearings and the examination of the report by the Committee on the National Assembly, the Commission de la représentation électorale carefully analyses all the representations submitted to it and takes them into account when preparing its final report.

3. Examination of the final report by the National Assembly

The Commission tables in the National Assembly its final report indicating the boundaries of the electoral divisions.

Within five days following the tabling, the report is the subject of a debate limited to five hours carried on in one sitting or two consecutive sittings at the National Assembly. If the National Assembly is not sitting, the debate, subject to the same time limits, takes place in the Committee on the National Assembly within ten days from the tabling of the final report. All the elected members are members of the Committee for this debate.

No motion, except a motion of adjournment, may be presented during the debate.

4. Final establishment of the boundaries of the electoral divisions

Not later than the 10th day following this debate, the Commission establishes the boundaries of the electoral divisions and assigns names to them after having sought the advice of the Commission de toponymie.

The Commission publishes the list of the electoral divisions in the Gazette officielle du Québec, indicating the name and boundaries of each; it may also mention the municipalities and, where applicable, the non-organized territories and the Indian reserves included in each electoral division. The Commission publishes a map of the electoral divisions thus established.

Publication of the list of electoral divisions in the Gazette officielle du Québec is absolute proof of its existence and its content.

The new boundaries of the electoral divisions published in the Gazette officielle du Québec come into force upon dissolution of the National Assembly, unless the dissolution occurs before the expiry of three months from publication.

The Commission de la représentation électorale must then take the necessary steps to ensure the best possible diffusion among the public of the boundaries of the electoral divisions, and particularly of the changes made in relation to the previous boundaries.

3.3 Schematic plan of the activities related to the delimitation of the electoral map

1. Preparation of the proposal of the CRE and preliminary report

Preparation of the proposal of the CRE	Preliminary report	Tabling of the preliminary report
- Orientation and methodology - Gathering of statistical and geographical data - Data analyses - Preparation of working hypotheses - Preparation of a proposal	- Printing of the report	- President or Secretary General of the National Assembly

2. Examination of the proposal of the CRE and preparation of the final report

Diffusion of the preliminary report	Public hearing on the preliminary report	Examination of the preliminary report by the National Assembly	Final report
- Information campaign - Publicity campaign - Diffusion of the report	- Publicity: notice of public hearings - Holding of hearings: organizations, individuals, elected members - Summary of the opinions collected - Debates of the commissioners on the elements to be accepted	- In a parliamentary committee, the preliminary report is examined in the presence of the Commissioners - Debates of the commissioners on the elements to be accepted	- Editing / printing - Tabling of the report in the National Assembly

3. Examination of the final report by the National Assembly

Debate in the National Assembly
- The final report of the CRE is the subject of a 5-hour debate in the National Assembly - This report may be the subject of no motion by the National Assembly (except for a motion of adjournment)

4. Definitive establishment of the boundaries of the electoral divisions

Delimitation and naming of the divisions	Description of the divisions	Publication in the Gazette officielle du Québec and printing of the map of the electoral divisions	Diffusion among the public of the new boundaries

3.4 What are electoral precincts and polling subdivisions?

Upon publication in the Gazette officielle du Québec of the list of electoral divisions, the Chief Electoral Officer assigns one division to each returning officer in office and appoints a returning officer to each unassigned electoral division. It is the returning officer who is responsible for the administration of the division. To this end, he manages the electoral process of his division on the basis of more limited territorial units: electoral precincts and polling subdivisions. It is the returning officer who establishes the boundaries in the three months after the publication of the list of electoral divisions in the Gazette officielle du Québec.

From a delimitation standpoint, the electoral precincts group approximately ten polling subdivisions and respect the territories of municipalities and Indian reserves. So far as possible, they also respect natural local boundaries. From an electoral process standpoint, electoral precincts are used to group, on polling day, the polling stations of the same polling place. Electoral precincts are geographical reference units and are used by the returning officer, political parties and candidates.

A polling subdivision is defined as a territorial unit comprising not more than 350 electors. It constitutes the basic geographical cell on which Québec's electoral system is based.

All participants in the electoral system articulate their operations around the polling subdivision, be it at the time of the enumeration, the revision of the lists of electors or the poll.

From a representation standpoint, the polling subdivision allows each elector to identify himself with a polling station and to be able to exercise his right to vote on the day of the general election.

An elector's domicile determines the polling subdivision to which the elector belongs and the list of electors on which he will be entered. Political parties also solicit the support of electors on the basis of their domicile.

4

Permanent list of electors

4.1 What is the permanent list of electors?

The permanent list of electors contains all of the electors of Québec and makes it possible to obtain excerpts from the lists of electors used to hold every provincial, municipal and school poll. It is the result of more than twenty years of reflection to improve and integrate the various list preparation methods. Here are a few dates:

1978-1980: Bill to create a register of electors

The project was based on the reciprocal exchanging of data between the Chief Electoral Officer and the Régie de l'assurance maladie du Québec. However, fears concerning the protection of personal information led to the project being abandoned.

1992-1993: Feasibility studies on the computerization of provincial, municipal and school lists of electors

The report prepared by the Chief Electoral Officer, entitled "A Computerized list of electors", recommends putting in place such a list with an updating mechanism using information held by the Régie de l'assurance maladie du Québec.

1994-1995: Debates on the Bill to establish the permanent list of electors and amending various legislative provisions

It was clear from the debates on this bill that all of the parliamentarians were in agreement with the principle of a permanent list of electors.

June 1995: Adoption of the Act to establish the permanent list of electors

The National Assembly entrusts the Chief Electoral Officer of Québec with the responsibility of creating and operating the permanent list of electors.

The permanent list of electors is basically made up of two registers:

- the register of electors: including all of the information concerning the elector and
- the register of territories: including the description of the electoral territories for the provincial, municipal and school levels and the judicial districts.

4.2 What is the register of electors?

The register of electors contains the information pertaining to all electors who wish to be registered therein. Every person who is a qualified elector may be registered on the permanent list of electors. At any time, an elector may ask to be registered on the list, to be struck off the list, to correct information concerning him, or to request that his registration on the permanent list of electors be considered only for the purposes of a specific poll, namely provincial, municipal or school. However, the Chief Electoral Officer must strike from the permanent list of electors a person for whom he receives a confirmation of death, of curatorship or if the person is deprived of his election rights.

1. **Initial constitution**

   The register of electors is constituted from the list of electors drawn up at the time of the October 30, 1995 Referendum, namely the one used in the referendum, and the lists of electors resulting from the general election and the by-elections, and municipal and school elections held since that date.

2. **Final constitution**

   The register of electors is compared for a first time with the file of beneficiaries of the Régie de l'assurance maladie du Québec. When the information does not match, the Chief Electoral Officer contacts the persons in question and, if necessary, corrects the register accordingly.

   The aim of this comparison is to identify all those persons who are entered both on the list of electors and in the file of beneficiaries of the Régie de l'assurance maladie du Québec and to permit subsequent updates. Any change in information brought to the attention of the Régie de l'assurance maladie du Québec concerning a person entered on both lists will be transmitted to the Chief Electoral Officer by the Régie de l'assurance maladie du Québec to allow him to update the information on the elector. However, there is no reverse process, namely the transfer of information from the Chief Electoral Officer to the Régie de l'assurance maladie du Québec.

3. Updating

The register of electors is updated on an on-going basis using at least six sources of information:

a) The elector:

he is entrusted with the responsibility of informing the Chief Electoral Officer of Québec of any change to the information concerning him.

b) The file of beneficiaries of the Régie de l'assurance maladie du Québec:

by comparing the register of the Chief Electoral Officer of Québec with the file of the Régie de l'assurance maladie du Québec to obtain changes concerning:

- the name;
- address;
- date of birth;
- sex;
- persons who are deceased;
- persons who have turned or who will turn 18 years of age;
- new beneficiaries of the Régie de l'assurance maladie du Québec who state that they are Canadian citizens.

c) Department of Citizenship and Immigration of Canada:

which ensures that the permanent list of electors registration form is sent, by way of this department, to all new Canadian citizens domiciled in Québec.

d) The revision of the provincial list of electors following the issue of an order or writ instituting an election or a referendum.

e) The changes made to the municipal list of electors or referendum list following verification, if necessary.

f) An enumeration, a revision or any other measure allowing a total or partial verification of the list, ordered by the government, upon the recommendation of the Parliamentary Committee which examined the annual report tabled by the Chief Electoral Officer in the National Assembly.

Register of electors: updating

Sources	Conditions	Role of the CEO	Remarks
1. **The elector**	The elector informs the Chief Electoral Officer of any change to the information concerning him appearing on the permanent list of electors.	Update the register of electors accordingly	It is up to the elector to convey this information to the Chief Electoral Officer
2. **The Régie de l'assurance maladie du Québec**	**2.1** The Chief Electoral Officer obtains from the Régie de l'assurance maladie du Québec the changes concerning: - the name - address - date of birth, and - sex of any person entered on the permanent list of electors.	Update the register of electors accordingly	This update occurs automatically according to the terms set out in an agreement reached with the Régie de l'assurance maladie du Québec. No such information is sent to the Chief Electoral Officer when the person in question is not already entered on the permanent list of electors
	2.2 The Chief Electoral Officer obtains from the Régie de l'assurance maladie du Québec the date of death of a beneficiary when that person is entered on the permanent list of electors		
	2.3 The Chief Electoral Officer obtains from the Régie de l'assurance maladie du Québec: - the name - address - date of birth, and - sex of a person - who will turn 18 in the next six months or - of full age who has informed the Régie de l'assurance maladie du Québec that he has acquired Canadian citizenship, or - who has newly registered with the Régie de l'assurance maladie du Québec, indicating that he is a Canadian citizen.	The Chief Electoral Officer contacts these persons to inform them of their entry on the permanent list of electors and, where applicable, asks them to correct the information concerning them.	This verification is necessary to respect the principle of free choice of being entered on the permanent list of electors.

Sources	Conditions	Role of the CEO	Remarks
3. **Department of Citizenship and Immigration of Canada**	The Chief Electoral Officer sends, via this department, the registration forms to all new Canadian Citizens domiciled in Québec.	The Chief Electoral Officer contact these persons, via this department, to offer them the possibility of being entered on the permanent list of electors.	The terms concerning the transmission of this information are determined in an agreement reached between the department and the Chief Electoral Officer. This verification is necessary to respect the principle of the free choice of being entered on the permanent list of electors.
4. **Municipalities**	Municipalities send the Chief Electoral Officer any change made to a municipal list of electors or a referendum list at the time of its revision.	The Chief Electoral Officer can contact the elector in question to ask him to confirm the change that he plans to incorporate into the register of electors.	When a poll must be held, the the list of electors of the municipality or, as the case may be, of the electoral district or ward must be revised (Act respecting elections and referendums in municipalities)
5. **The Government**	The government may order a total or partial verification of the permanent list of electors.	In his annual report, the Chief Electoral Officer may recommend a total or partial verification of the Permanent list of electors. As ordered by the government, the Chief Electoral Officer of Québec proceeds to hold an enumeration or a revision or implements any other measure making it possible to carry out a total or partial verification of the permanent list of electors.	The decision of the government to order a total or partial verification of the list is based on the recommendation of the parliamentary committee that studied the report of the Chief Electoral Officer.

4.3 What is the register of territories?

1. **Initial constitution**

   For provincial electoral territories, the descriptions of the existing polling subdivisions, electoral precincts and electoral divisions are entered in the register.

   The municipalities and school boards are responsible for describing their respective electoral territories, using the description parameters issued by the Chief Electoral Officer of Québec.

2. **Updating**

   The register of provincial territories is updated as changes are made to the descriptions of the electoral territories.

   The municipalities and school boards retain responsibility for updating their respective territories on an ad hoc basis.

4.4 What use is made of the permanent list of electors?

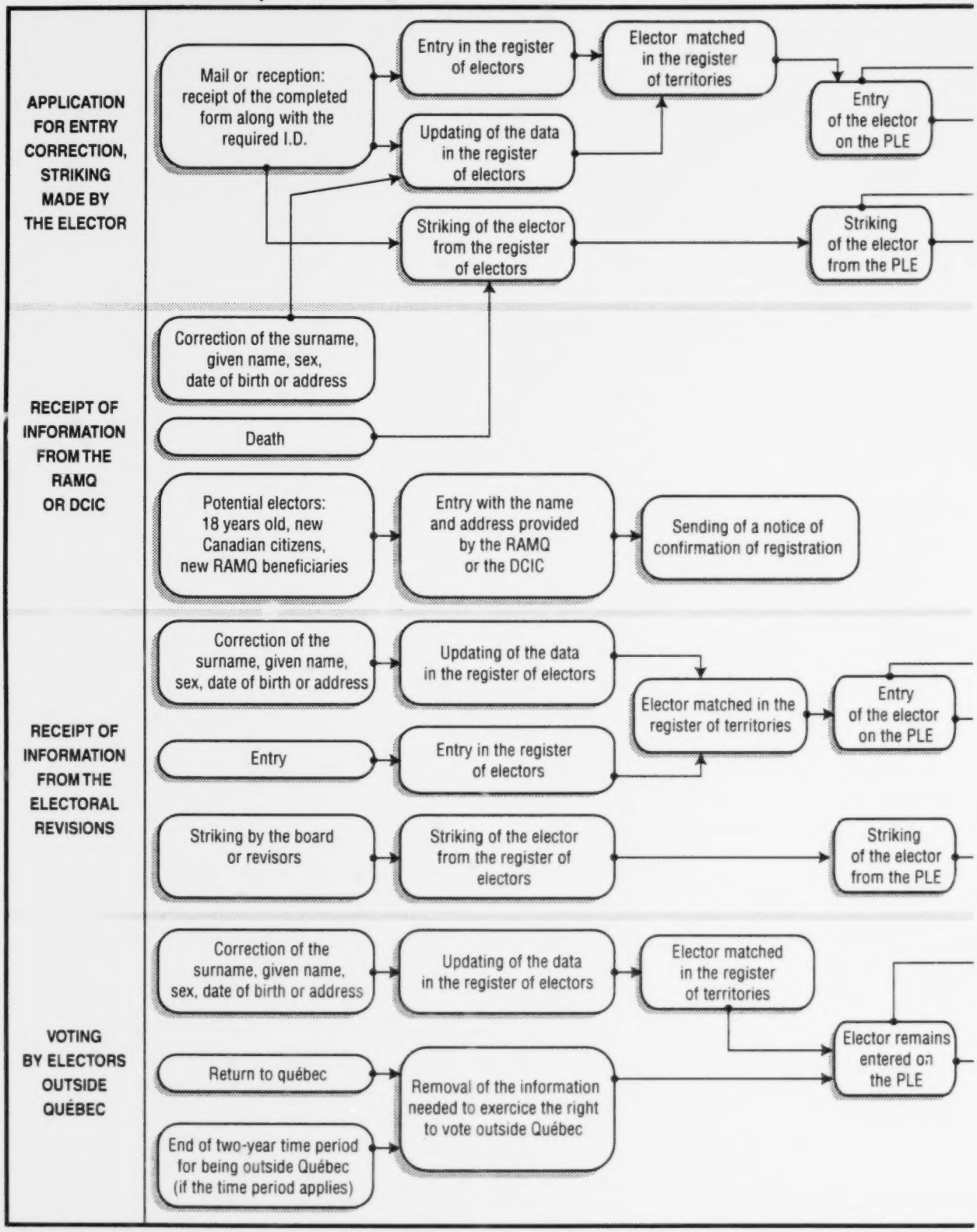
The Act stipulates that the permanent list of electors shall only be used for the holding of a poll at the provincial, municipal and school levels.

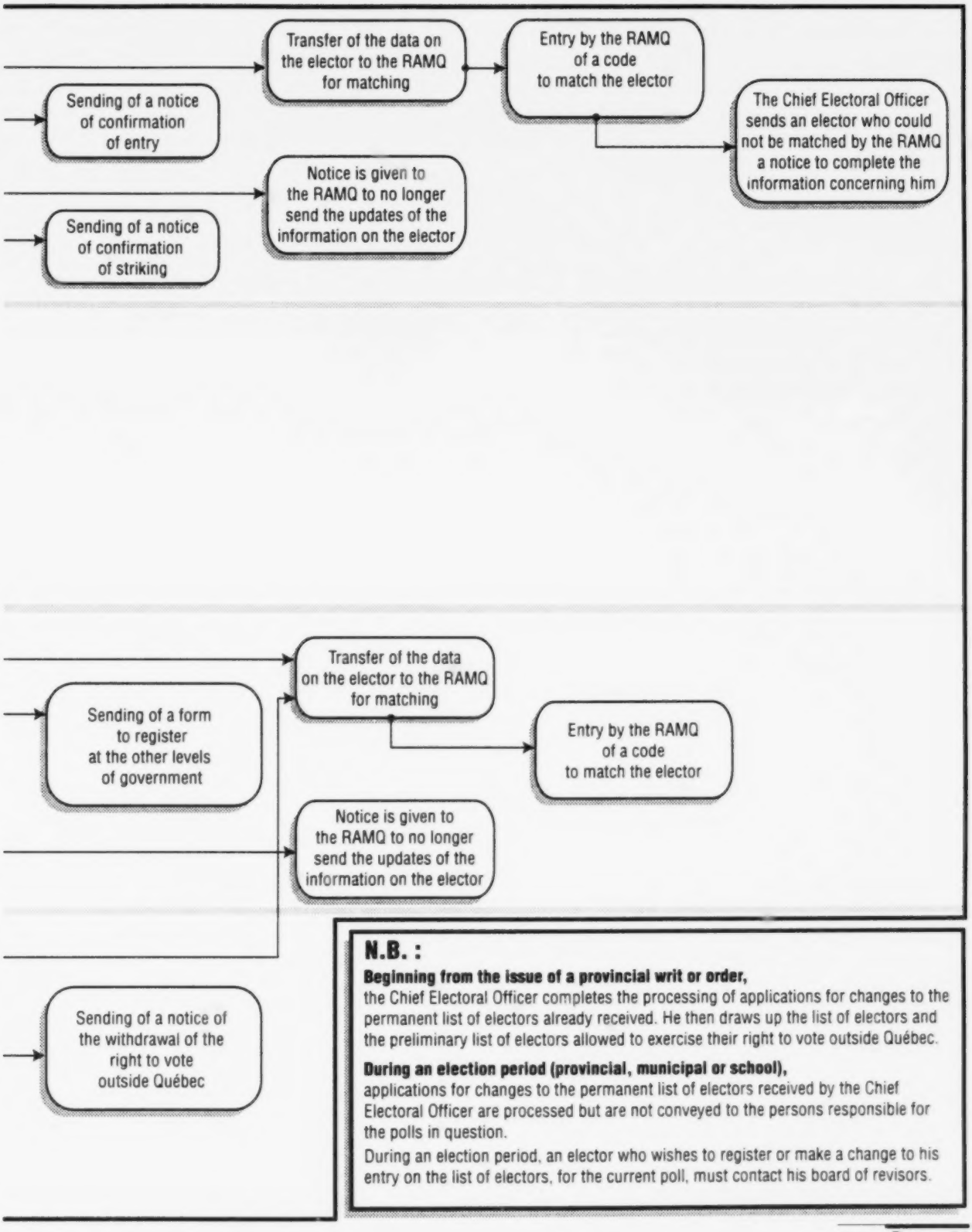
The Act also stipulates that the Chief Electoral Officer of Québec may enter into an agreement with the Chief Electoral Officer of Canada to provide him with information for the sole purpose of drawing up a list used to hold a federal poll.

Register of territories: Initial constitution and updating

Level	Descriptive parameters	Responsibility for the description of the territories	Responsibility for the management of the register	Frequency
Provincial	Established by the Chief Electoral Officer	Chief Electoral Officer	Chief Electoral Officer	When changes are made to the description of the territories
Municipal	Established by the Chief Electoral Officer	Each municipality	Chief Electoral Officer	When necessary
School	Established by the Chief Electoral Officer	Each school board	Chief Electoral Officer	When necessary

4.5 Procedure for entries on, corrections to and strikings from the permanent list of electors


APPLICATION FOR ENTRY CORRECTION, STRIKING MADE BY THE ELECTOR
Mail or reception: receipt of the completed form along with the required I.D.
Entry in the register of electors
Elector matched in the register of territories
Entry of the elector on the PLE
Updating of the data in the register of electors
Striking of the elector from the register of electors
Striking of the elector from the PLE
RECEIPT OF INFORMATION FROM THE RAMQ OR DCIC
Correction of the surname, given name, sex, date of birth or address
Death
Potential electors: 18 years old, new Canadian citizens, new RAMQ beneficiaries
Entry with the name and address provided by the RAMQ or the DCIC
Sending of a notice of confirmation of registration
RECEIPT OF INFORMATION FROM THE ELECTORAL REVISIONS
Correction of the surname, given name, sex, date of birth or address
Updating of the data in the register of electors
Elector matched in the register of territories
Entry of the elector on the PLE
Entry
Entry in the register of electors
Striking by the board or revisors
Striking of the elector from the register of electors
Striking of the elector from the PLE
VOTING BY ELECTORS OUTSIDE QUÉBEC
Correction of the surname, given name, sex, date of birth or address
Updating of the data in the register of electors
Elector matched in the register of territories
Elector remains entered on the PLE
Return to québec
End of two-year time period for being outside Québec (if the time period applies)
Removal of the information needed to exercice the right to vote outside Québec


Transfer of the data on the elector to the RAMQ for matching
Entry by the RAMQ of a code to match the elector
Sending of a notice of confirmation of entry
The Chief Electoral Officer sends an elector who could not be matched by the RAMQ a notice to complete the information concerning him
Notice is given to the RAMQ to no longer send the updates of the information on the elector
Sending of a notice of confirmation of striking
Transfer of the data on the elector to the RAMQ for matching
Sending of a form to register at the other levels of government
Entry by the RAMQ of a code to match the elector
Notice is given to the RAMQ to no longer send the updates of the information on the elector
Sending of a notice of the withdrawal of the right to vote outside Québec

N.B. :

Beginning from the issue of a provincial writ or order,
the Chief Electoral Officer completes the processing of applications for changes to the permanent list of electors already received. He then draws up the list of electors and the preliminary list of electors allowed to exercise their right to vote outside Québec.

During an election period (provincial, municipal or school),
applications for changes to the permanent list of electors received by the Chief Electoral Officer are processed but are not conveyed to the persons responsible for the polls in question.

During an election period, an elector who wishes to register or make a change to his entry on the list of electors, for the current poll, must contact his board of revisors.

4.6 What are the effects of a permanent list of electors?

a) Reduction in the costs of drawing up the lists of electors

With the permanent list of electors, it is no longer necessary to draw up a list of electors for each poll using the traditional door-to-door enumeration method. This list is used to hold provincial, municipal and school elections.

b) Reduction in the duration of provincial polls

Through the elimination of the enumeration, the minimum duration of the election period has dropped from 47 to 33 days.

c) Standardization of the quality of the lists of electors

The lists drawn up are of better quality for the various provincial, municipal and school levels as they originate from the same base.

d) A better control over the drawing up of lists

In particular through a data comparison mechanism that detects double entries.

e) Protection of personal information

Accessibility to the lists of electors originating from the permanent list of electors is limited to polling purposes.

"Information relating to electors is not public information within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information." (Election Act, s. 40.39).

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f) Permanent nature of the entry of the elector and preservation of the freedom to be entered on the list of electors

g) Ease of producing lists of electors

Guarantees the rapid production of lists of electors for each level of government while respecting its specific characteristics.

4.7 What are the dynamics of the permanent list of electors?

1. Production

Following the issue of the order or writ confirming the holding of a general election, the list of electors is prepared within a maximum of twelve hours. The lists are sent to the main offices of the returning officers on diskettes or by electronic data transfer.

2. **Updating**

Except during an election period, electronic links have been established with the Régie de l'assurance maladie du Québec to make it possible to update the list of electors using its data. On a monthly basis, the transaction volume from the Régie de l'assurance maladie du Québec is:

- 156,000 updates of addresses of electors for the busiest month of the year;
- 17,000 new electors;
- 7,000 electors struck from the list;
- 170,000 changes: total transactions from the Régie de l'assurance maladie du Québec.

Provision has been made to use the existing links with the Régie de l'assurance maladie du Québec to carry out the data transfers.

3. **Transfer of data to the main offices**

During an election period, the technological environment makes provision for data transfers between the Chief Electoral Officer and the returning offices. These transfers make it possible to send the initial list of electors to the 125 main offices of the returning officers and to do the return processing.

In an election period, at the time of the revision of the list of electors, the verification of those electors who may be entered twice requires daily exchanges between the returning offices and the Chief Electoral Officer. These exchanges allow the returning officers to identify potential double entries and to take the necessary steps to correct the situation.

4. **Permanent list of electors and the list of electors for a specific event**

At the time of the issue of the order or writ instituting an election or a referendum, the Chief Electoral Officer produces the list of electors for the event. However, the updating of the permanent list of electors continues on an on-going basis as an electoral event could take place at the same time at the municipal or school level. Requests for changes received at the office of the Chief Electoral Officer after the list of electors has been produced are processed in the register of electors but are not sent to the persons in charge of elections during the election period. However, an elector wishing to make an application for entry or for a change to his entry can go to the appropriate board of revisors of the electoral division in which he is domiciled.

After the event, the Chief Electoral Officer combines the registers resulting from the revision and the permanent list of electors.

5. Transmission of the list

Between October 1st and November 1st of each year, the Chief Electoral Officer transmits the list of electors entered on the permanent list of electors to the authorized political parties represented at the National Assembly, to any authorized party and to any elected member. In the case of an elected member, the list transmitted is that of the electoral division that he represents.

The list is transmitted on computer support and in two paper copies. The list transmitted retains its confidential nature and the elected member or the person designated by the political party to receive this list must agree to take the appropriate steps to protect its confidential nature.

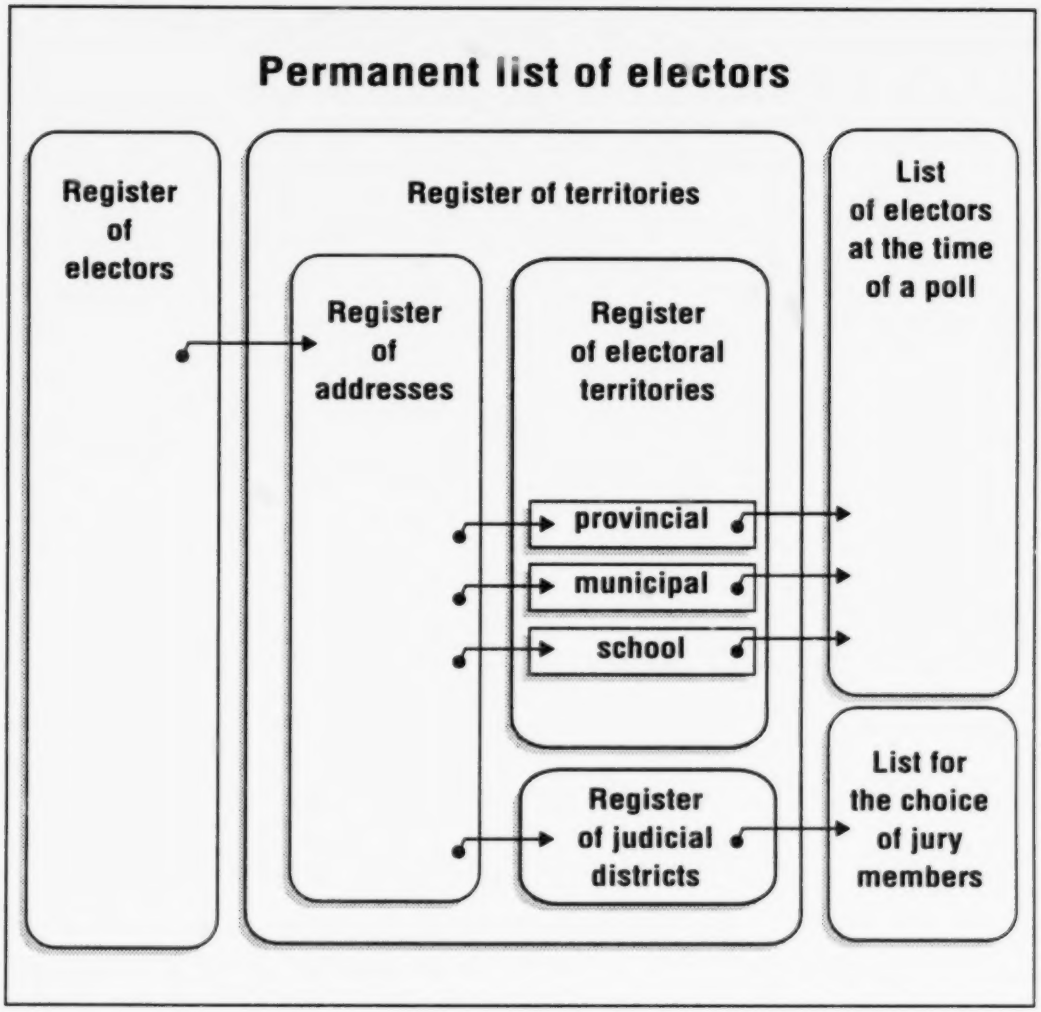
6. Standing board of revisors

To ensure the on-going updating of the permanent list of electors, the Chief Electoral Officer has established a standing board of revisors. The board is made up of three members. The Chairman is appointed by the Chief Electoral Officer, whereas the other two members are appointed from the two lists transmitted by the two political parties that succeeded in having the greatest number of candidates elected at the last general election.

The mandate of the standing board of revisors is to decide on the cases submitted to it concerning the updating of the permanent list of electors. Before striking a person from the permanent list of electors, the standing board of revisors must notify the person in writing of the reasons for the decision that it plans to make, in order to allow the person to present his observations. The written notice is not necessary if the person is present. The standing board of revisors is not required to transmit the written notice when the person in question has confirmed that he is not a qualified elector or when the board deems that the proof of curatorship or of the death of the person is satisfactory.

The issue of a writ ordering the holding of a by-election or a referendum suspends the work of the standing board of revisors for the territory in question, where applicable. The work of the board is also suspended effective from September 1 of the calendar year regarding the territory where a regular election must be held in a municipality, up to the end of the election period. The issue of a writ ordering the holding of a general election puts an end to the mandate of the members of the standing board of revisors.

4.8 Schematic plan of the components of the permanent list of electors



Part two
Participants

5 Québec electors

5.1 What is the electorate?

The electorate designates all the electors who will be able to exercise their right to vote at the time of an electoral event. This right to vote takes form through the registration on the permanent list of electors. However, in Québec this registration is optional. An elector who des not wish to remain registered on the permanent list of electors between each election, can exercise his right to vote on a selective basis for a specific poll by registering with his board of revisors during the election period.

In addition to being free, voting is secret. The elector makes his choice on a ballot paper without being subject to pressure from a candidate or an election officer. By going to the polling booth and by placing the ballot paper in the ballot box himself, the elector ensures the secrecy of the vote.

On May 1, 2002 the permanent list of electors contained the names of 5 406 432 persons, whereas the total population of the province was 7 237 479 persons in March 2002[10]. The electorate includes a little more than 70 % of Québec's entire population.

The electorate may be subdivided into groups of electors or individual electorates based on certain socioeconomic characteristics, such as age, sex, education, occupation, language and income. These individual electorates are the subject of specialized studies, frequently focusing on the analysis of the behaviour of electors according to their partisan identification.

[10] *Gazette officielle du Québec*, no. 51, Order-in-council no. 1433-98, November 27, 1998.

5.2 Who may vote?

Nowadays universal suffrage is an integral part of Québec's electoral system. Every person who is a Canadian citizen, has been domiciled in Québec for at least six months and is 18 years of age or older is a qualified elector, regardless of his sex, ethnic origin, religious persuasion or economic status.

However, there are two restrictions:

- for persons under curatorship;
- for persons deprived of their election rights.

5.3 The implementation of universal suffrage in Québec

Universal suffrage evolved gradually in Québec, with a maximum liberalization occurring in 1940. The main dates in the establishment and broadening of the principles of universal suffrage in Québec legislation are:

1867-1936 : Suffrage on the basis of property, capacity and sex (male)

- ON THE BASIS OF PROPERTY, because the right to vote was granted to persons who owned real estate having a minimum value fixed by law or to tenants having equivalent income;
- ON THE BASIS OF CAPACITY, because the right to vote was given to certain categories of persons (educators, members of the clergy...) who met certain conditions in terms of education, etc.;
- ON THE BASIS OF SEX, because the right to vote was granted solely to men who met the criteria concerning the property qualification or education. It should be noted that women who owned real estate or who had sufficient income lost the right to vote in 1849;
- In actual fact, only 14.8% of the total population made up the electorate in the general elections of 1871.

1936-1940 : Universal suffrage restricted to men

- Starting from 1899, various amendments to the electoral legislation gradually reduced the scope of the property qualification. However, it was only in 1936 that the Québec government abolished all restrictions on suffrage based on personal fortune and education. All men aged 21 and over obtained the right to vote.
- Women were excluded from the electoral process despite a major battle for women's suffrage since the end of the 19th century. The right to vote was finally granted to Canadian women between 1916 and 1925, both at the federal level and in all the provinces, with the exception of Québec.

1940-1989 : Universal suffrage

- It was only with the passing of the "Act granting to women the right to vote and to be eligible as candidates" on April 11, 1940, that the right to vote was extended to women in Québec. For the first time in the political history of Québec, the number of registered electors exceeded 50% of the total population. Indeed, at the time of the first general election (in 1944) when the provisions of the 1940 statute were applied, the electorate increased by 28.5% reaching 53% of the total population.
- In 1963 the minimum age required to vote was lowered from 21 to 18, whereas in 1969 the discrimination against the Native people was abolished.
- In 1978 judges were given the right to vote, whereas in 1979 inmates were allowed to vote in a referendum and a general election.
- In 1989 mentally handicapped persons as well as qualified electors residing outside Québec obtained the right to vote.

5.4 Political life of electors

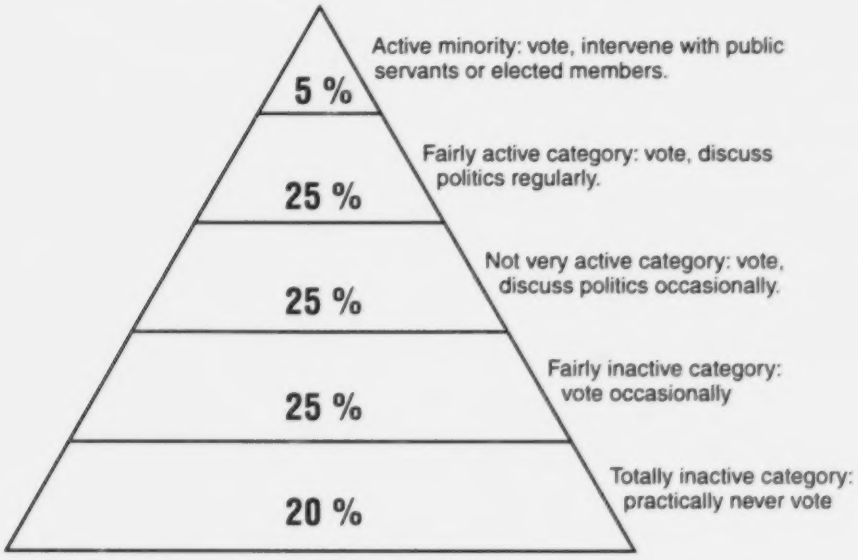
In addition to the exercise of the right to vote in an election, the freedom of expression and the ideological pluralism that characterize political life in democratic systems may take various other forms. Individuals may show their interest in political questions and issues freely and in a variety of ways:

- by exchanging ideas and political opinions;
- by following the news and political debates in the mass media;
- by supporting a group whose spokespersons put pressure on governments and political parties;
- by belonging to or sympathizing with a political party and by making financial contributions to this party.

Individuals may also become directly involved in political life by intervening via the political forces:

- by militating in a political party, and in particular during election campaigns;
- by militating in a pressure group which seeks to influence governments, political parties and electors.

The following diagram illustrates the breakdown of adult citizens according to a scale of political activity[11].


5 %
Active minority: vote, intervene with public servants or elected members.
25 %
Fairly active category: vote, discuss politics regularly.
25 %
Not very active category: vote, discuss politics occasionally.
25 %
Fairly inactive category: vote occasionally
20 %
Totally inactive category: practically never vote

Proportions according to surface and not to volume

The second diagram represents the scale of intensity of an elector's membership in a political party[12].

In addition to these various possibilities for individuals to take action in a democracy, the opinion of all the electors itself represents a political force which impacts on the political system and the election issues, in particular by way of surveys.

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11 André Bernard, *La politique au Canada et au Québec*, P.U.Q., 1977, page 147.

12 André Bernard, L'analyse politique et les partis, in *Partis politiques au Québec*, HMH, 1976, page 28.

6 Political parties

6.1 Electoral function of political parties

In this chapter we will specifically focus on the electoral activities of political parties with respect to the application of the Election Act. From this angle, it will be possible to distinguish the activities related to the responsibilities of the political parties in the administration of the electoral system, the activities related to the election campaign during the holding of an election and the activities related to the internal dynamics of the parties in their capacity as organizations[13].

First, we know that the electoral function of political parties is decisive as this function allows elected candidates to occupy a seat in the National Assembly.

The electoral function may be defined as being all of the activities of the political parties that are geared towards winning the elections. Unlike in the case of pressure groups which only seek to influence the government through the promotion and defence of special interests, political parties aspire to exercise power directly, on the basis of their political platform and their general vision of society. Political scientists agree that the electoral function is a priority for all political parties and that the differences between each party mainly deal with the way in which they meet this requirement[14].

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[13] At the time of elections one sees, outside actual partisan structures, various currents of thought articulated around so-called independent candidates. Of the 657 candidates who ran in the November 30, 1998 election, 39 (6%) were independent candidates or had no official designation.

[14] In addition to the electoral function, political scientist Vincent Lemieux attributes to political parties connection functions (i.e. forge ties between government and the public) and government functions (i.e. organize and direct the government structure). See V. Lemieux, "Les partis provinciaux du Québec", in R. Pelletier, *Partis politiques au Québec*, Montréal, Cahiers du Québec/Hurtubise HMH, 1976, p. 53.

6.2 Electoral activities of political parties

The taking of power gives rise to three types of activities among political parties which seek to attain specific objectives:

1. Activities related to the internal dynamics of political parties have a twofold objective:
   - to give the party the human and financial resources required for it to operate and develop (leader of the party, candidates, militants, sympathizers, members/funding campaign);
   - to prepare a political platform (ideological dimension) and propose to electors various avenues in the form of election promises (strategic dimension).
2. Activities related to the election campaign of political parties seek to inform and influence electors with a view to increasing the partisan vote. They seek to set up what is commonly known as the "election machine", an organizational structure that works at every territorial level of Québec's electoral system.

   The election campaign of each candidate is organized at the electoral division level. The organizers of the political parties plan and coordinate the work of militants according to a breakdown of the electoral division into electoral precincts and polling subdivisions.

   During electoral events militants can, among other things, organize a public meeting, do secretarial work or make telephone contacts.

   Moreover, political parties are responsible for their own advertising and signs. To clarify and harmonize the rules concerning signs during an election period, the Act stipulates the places where signs are permitted as well as the conditions that must be met, namely with respect to the removal of signs.

3. Activities with respect to the application of election legislation express themselves in the respect for the rules and responsibilities of each intervening party. The political parties and candidates must abide by the rules that are set out. These activities lead the political parties to have frequent contacts with the Chief Electoral Officer and the returning officers. The latter are responsible for the administration of the Election Act in their respective electoral division.

We can identify three tangible operations in which political parties play an active role as provided for under the Election Act:

- to make candidacies official: each candidate of a political party must obtain a letter of authorization from the party leader which recognizes him as a candidate of that party, and append it to his nomination paper so that his name is entered on the ballot paper;
- for financing: each candidate must comply with the regulation respecting financing to solicit or collect contributions or to incur election expenses;
- for election officers: at the level of each electoral division, the two main political parties recommend the election officers who, in full neutrality because they are under oath, carry out several electoral operations, such as the revision, the voting and the counting of votes on election night.

Table III on the following page gives an overview of the various electoral activities that the political parties generally carry out.

Table III
The various electoral activities of political parties

A) Activities related to the internal dynamics of political parties	B) Activities related to the election campaign of political parties	C) Activities with respect to the application of the Election Act
Leadership and candidate: - choice of a party leader; - recruitment and selection of candidates. **Human and financial resources:** - recruitment of militants and sympathizers; - campaign to recruit members; - financing campaign. **Ideology and strategy:** - preparation of a government action program; - preparation of an election strategy; - election promises	**Electors:** - marking off of electors; - distribution of publicity pamphlets on candidates; - organization of public meetings; - surveys of the parties; - getting out the vote. **Media:** - election publicity; - leaders' debate; - press conferences; - contacts with the media. **Relations between political parties:** - contest between the parties; - alliance between the parties.	**Candidacy and financial resources:** - authorization of parties and party authorities by the Chief Electoral Officer; - officialization of nomination papers; - compliance with rules concerning financing and election expenses; - preparation of the financial report of the political party; - preparation of returns of election expenses by candidates and the party; - cashing in of the reimbursement of the election expenses that the Chief Electoral Officer of Québec grants to certain candidates and to the party. **Human resources:** - recommendation of election officers.

7

The Chief Electoral Officer

7.1 Brief history

The institutional creation of the Chief Electoral Officer dates back to 1945[15]. From 1945 to 1971, his responsibilities focused exclusively on the management of provincial elections. Beginning in 1971, other responsibilities would be successively added: responsibilities concerning the delimitation of provincial electoral divisions (1971 and 1983) and the delimitation of municipal electoral districts (in 1978 and 1979) (as Chairman of the Commission de la representation), municipal polls (1978), referendums (1978) as well as the financing and control of the expenses of political parties (1983). He also obtained certain special mandates from the National Assembly: the registry of electors (1978 and 1979), elections in certain Caisses d'entraide économique (1982), the reform of the voting system, in his capacity as Chairman of the Commission de la représentation électorale (1983 and 1984), the holding of school elections as part of the Act respecting public elementary and secondary education (1985), the holding of a referendum and an election in Nouveau Québec (1987 and 1989), the creation and management of the permanent list of electors (1995), and the feasibility study on a digitized voter's card with a photo (2000).

7.2 What is the status of the Chief Electoral Officer?

With the broadening of the responsibilities of the Chief Electoral Officer, the institution was granted greater functional autonomy in Québec's political system. This autonomy materializes in the Chief Electoral Officer's status as a "person designated" by the National Assembly. In this capacity, the Chief Electoral Officer exercises some of the powers of the National Assembly not as its representative, but rather

[15] From 1945 to 1977, the Institution and the incumbent had the title of Président général des Élections. It should be noted that since its creation in 1945 up until now, the Institution has had four incumbents: Judge François Drouin from 1945 to 1978, Pierre-F. Côté, Q.C., from 1978 to July 1997, and Jacques Girard, from July 1998 to April 1999. Marcel Blanchet took over on May 3, 2000 when the National Assembly appointed him for a seven-year term of office. Three persons served on an interim basis: François Casgrain from July 16, 1997 to July 12, 1998, Jean Jolin from April 21, 1999 to November 3, 1999, and Francine Barry who replaced Mr. Jolin from November 3, 1999 to May 3, 2000.

in its place, in an autonomous manner. This status gives the Chief Electoral Officer autonomy vis-à-vis the executive, and makes him accountable for his actions only to the National Assembly. As the person in charge of the application of Québec's election legislation, the Chief Electoral Officer preserves the integrity of the electoral process for he is accountable only to the elected assembly of members which itself enjoys popular legitimacy. As a result, the executive cannot intervene between the National Assembly and the Chief Electoral Officer.

The accountability of the Chief Electoral Officer to the National Assembly is reflected in:

- the delivery to the President of the National Assembly, not later than September 30th of each year, of a report of activities including a financial report for the preceding financial year[16];
- the preparation each year of the Institution's budget forecasts which are submitted to the President of the National Assembly before April 1st[16];
- the delivery to the Commission des institutions, to which the National Assembly has entrusted the examination of the Chief Electoral Officer's budget forecasts, of a preliminary financial report for the preceding financial year.

The Chief Electoral Officer is also a member and the chairman ex-officio of the advisory committee, made up of three representatives of each of the authorized parties represented at the National Assembly. The purpose of this committee is to give its advice on any question pertaining to the Election Act.

7.3 What are the responsibilities of the Chief Electoral Officer?

The fairness of the electoral system is ensured on the one hand by the responsibilities conferred on the Chief Electoral Officer by the legislator, and on the other hand, by the Election Act which defines the democratic process for the holding of any electoral event[17]. In addition to

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16 The Commission de la représentation électorale is also subject to this provision under the Election Act.

17 The analysis here is centered on the provincial responsibilities of the Chief Electoral Officer, although the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) instructs him to provide assistance and advice, to make recommendations and to issue directives to municipal returning officers. The Chief Electoral Officer may also make inquiry further to complaints relating to the municipal electoral process. The same Act obliges the Chief Electoral Officer to oversee the application of the provisions on the financing of municipal political parties and independent candidates, and of the control of election expenses (for municipalities with 5,000 residents or more).

TABLE IV
Services offered by the Chief Electoral Officer to participants in elections

Chief Electoral Officer
Administration of the Election Act
Responsibilities
Management of polls (services and controls)
Financing of political parties (services and controls)
Publicity and information (services and controls)
Information and services
Participants in question
Returning officers and election officers
Political parties, candidates and electors
Media, candidates, political parties
Electors

These responsibilities express themselves in the planning, organization, holding and control of electoral events (revision, poll) at every territorial level of Québec's electoral system (Table V). With this goal in mind, material and financial resources are mobilized, as are major human resources.

These electoral administration resources include, in addition to the Chief Electoral Officer and his staff, the returning officers and assistant returning officers, as well as all the other categories of election officers. The goals are simple: to ensure that every individual who is a qualified elector is able to exercise his right to vote, and to ensure that the parties, independent members and candidates know and comply with the rules governing financing and the control of election expenses to maintain fairness between candidates in the same election.

Table V
Territories and electoral administration resources
(November 30, 1998 general election)

Territories				Electoral administration resources [18]
The province	=	125	electoral divisions	Chief Electoral Officer
	=	3 241	electoral precincts	
	=	20 258	polling subdivisions	
	=	5 254 482	electors	
Division	=	26	electoral precincts[19]	Returning officer
	=	162	polling subdivisions[19]	
	=	42 036	electors[19]	
Electoral precincts	=	6	polling subdivisions[19]	Election officers
	=	1 621	electors[19]	
Polling subdivision	=	260	electors[19]	Election officers
Domicile	=	1	or more electors	Elector

[18] The election machine of the large political parties works at five territory levels.

[19] These data represent provincial averages at the time of the November 30, 1998 general election.

managing polls (an election or a referendum), the Chief Electoral Officer is responsible for the application of the provisions concerning the financing of political parties and the control of election expenses.

As part of the administration of Québec's Election Act, the Chief Electoral Officer assumes certain responsibilities, in particular, the performance of certain services and the exercise of certain controls over participants in elections (Table IV).

7.4 What are the activities of the Chief Electoral Officer at the province level?

At the time of a general election or by-election, the Chief Electoral Officer initiates a series of activities that correspond to the three main periods, namely BEFORE - DURING - AFTER the election:

Before

As the choice of the date of an election is a prerogative of the Prime Minister, the electoral administration must be prepared in advance and be ready to function at any time. To this end, the Chief Electoral Officer must be able to carry out, on a provincial basis, the following planning and organization activities:

1. Management and inventory of the necessary election (forms, ballot boxes, ballot papers, etc.);
2. Design of administrative procedures (directives of the Chief Electoral Officer and Manual of the returning officer);
3. Selection of returning officers and assistant returning officers for vacant positions;
4. Training of returning officers and assistant returning officers;
5. Preparation of an election calendar;
6. Services to electors, political parties, independent members, independent candidates and media;
7. Authorization of political parties, their authorities, independent members, independent candidates as well as the control of their financing;
8. Management of manuals and material relating to financing and the control of election expenses intended for parties and candidates;
9. Preparation of various publications and their updating;
10. Preparation of a communication plan intended for the public and the media;

11. Operation of an Information Centre to respond to public inquiries;
12. Preparation of descriptive documents pertaining to the electoral map: descriptions of the polling subdivisions, indexes of the names of thoroughfares in municipalities, geographical maps;
13. Establishment of electoral precincts and polling subdivisions according to the prescribed norms;
14. Examination and evaluation of electoral procedures and election material;
15. Training of coordinators who act as intermediaries between returning officers and the Chief Electoral Officer during electoral events;
16. Updating of the permanent list of electors.

The carrying out of all these activities allows the Chief Electoral Officer to be ready to hold an electoral event at any time.

During

Immediately following the issue of the order or writ, the Chief Electoral Officer initiates a series of activities the purpose of which is to coordinate, supervise and control the electoral administration in all the electoral divisions of Québec:

1. Production of the list of electors for each electoral division and sending of this list to the main offices of the returning officers;
2. Receipt and sending of the order or writ to the 125 electoral divisions;
3. Establishment of the election calendar;
4. Sending of the necessary election material to each returning officer (directives, forms, ballot boxes, etc.);
5. Services to electors;
6. Services to political parties and candidates;
7. Services to the media;
8. Services to returning officers;
9. Supervision of returning officers;
10. Training of the official agents of parties and candidates, and technical support provided to this clientele;
11. Advertising messages to inform the public about the various stages of the election process under way and about rules concerning financing and control;
12. Publication of the list of candidates;
13. Publication of the list of returning officers.

All of these activities by the Chief Electoral Officer make it possible to properly carry out the revision of the list of electors and the poll. They also ensure the uniformity of the electoral operations applied in each electoral division and the dissemination of the applicable provisions concerning financing and the control of election expenses.

After

Following the holding of a poll, the Chief Electoral Officer is responsible for the follow-up to the election. With this goal in mind, he carries out and supervises activities which consist of completing the election operations:

1. Declaration of the candidates' election by the returning officers;
2. Verification and reimbursement of election expenses;
3. Recovery and verification of all election material;
4. Payment of election officers;
5. Statistical compilation of the results, preparation and publication of the report on the official results of he election, receipt and handling of complaints, publication of poll results and data, publication of the summary of the election expense returns;
6. Follow-up on the returning officers' management of the electoral event.

Once the follow-up to the election has been completed, the Chief Electoral Officer once again initiates the cycle of BEFORE-election activities to be prepared in advance and to be ready to function at any time. However, following an electoral event, he is in a better position to assess whether all of the services offered to the participants are appropriate and, where necessary, to change them with a goal to improving the election operations.

7.5 What are the activities of the returning officer in each electoral division?

Under the authority of the Chief Electoral Officer, returning officers are mainly in charge of the application of the Election Act in their electoral division. To carry out this mandate, they must take the necessary steps and actions to ensure the proper unfolding of the electoral process at the electoral division level. Returning officers are appointed for ten years, following a public competition held by the Chief Electoral Officer.

In his electoral division, the returning officer is the person who represents the Chief Electoral Officer. He acts accordingly, following the directives and administrative procedures determined by the Chief Electoral Officer.

The returning officer manages the electoral process based on the specific characteristics of his division. As a result, the returning officer must have an in-depth and exact knowledge of the configuration and of the special features of his division to be able to adjust his management of an electoral event. The returning officer must take into account the following factors:

Electoral division:

- rural
- urban
- semi-rural
- semi-urban
- area of the electoral division
- division having several municipalities
- municipalities with several divisions
- population
- number of electors
- number of candidates
- number of political parties
- means of communication
- distribution system
- number of polling subdivisions
- number of electoral precincts
- number and location of
  - filling offices
  - boards of revisors
  - advance polling stations
  - mobile polling stations
  - polling stations on polling day

First, the returning officer must take part in the training sessions offered by the Chief Electoral Officer. Next, he is responsible for structuring his organization in his division, in particular by appointing an assistant returning officer to assist and replace him if necessary, in the event of his absence or incapacity during electoral events.

Secondly, he proceeds, in cooperation with the staff of the Chief Electoral Officer specialized in matters related to the electoral map, to delimit the boundaries of the electoral precincts and polling subdivisions of his electoral division.

As a result, when an election is called, the returning officer, in cooperation with the assistant returning officer, is ready to perform the administrative tasks pertaining to planning, coordinating and controlling the human, material and financial resources put at his disposal in his division.

The main activities to be carried out by the returning officer depending on the type of electoral event are as follows:

1. Make an inventory, in his division, of the premises that can be used for the revision and for the poll;
2. Arrange the premises to facilitate the unfolding of election activities;
3. Notify the Chief Electoral Officer, each authorized party, independent members, independent candidates and the public of the location of the various premises;
4. Provide the necessary information concerning the electoral event to the electors, political parties and candidates;
5. Train, administer an oath of office to and supervise the necessary election officers, in accordance with the directives of the Chief Electoral Officer;
6. Receive the nomination papers and send acknowledgments of receipt;
7. Authorize independent candidates;
8. Organize and supervise the sending of the notice of entry on the list of electors, the voter's manual, the notice of the advance poll and the reminder card to the domiciles in his electoral division;
9. Coordinate the activities necessary to copy and print the lists of electors and ballot papers;
10. Perform the operations prior to advance polling, voting of inmates and voting at a mobile polling station;
11. Proceed with the holding of the poll;
12. Proceed with the official addition of votes and declare elected the candidate having received the greatest number of votes;
13. Complete the administrative formalities of the holding of the poll, prepare and send to the Chief Electoral Officer the electoral event report;
14. Take part in a meeting to review the electoral event.

The carrying out of these activities takes shape during an electoral event through the direct service that election officers offer to electors in one or more polling subdivisions. Within the framework of an election, the various categories of election officers are as follows:

- for the revision:
  - . chairpersons of the boards of revisors[20]
  - . first two revisors of the boards of revisors[21]
  - . secretaries of the boards of revisors[21]
  - . revising officers[22]
  - . aides responsible for entering and verifying changes to the list of electors[22]
- for the poll:
  - . assistants to the assistant director in charge of distribution[22]
  - . aides responsible for distributing reminder cards[22]
  - . deputy returning officers[21] (on polling day only)
  - . poll clerks[21](on polling day only)
  - . officers assigned to the list of electors[21] (on polling day only)
  - . officers in charge of information and order (primo)[22] (on polling day only)
  - . assistants to the primos[22] (on polling day only)
  - . presidents of the identity verification panel[22] (on polling day only)
  - . members of the identity verification panel[21] (on polling day only)
  - . assistants to the assistant returning officer for the compilation of the results
  - . aides assigned to compilation

The functions of each category of election officer will be described in greater detail in Part 3 of this document.

The returning officer has a main office for the administration of his division. It is from this "command post" that the returning officer ensures the coordination of all the electoral activities of his division. The place chosen by the returning officer must meet certain criteria, in particular accessibility to the premises for handicapped persons, its location in a public or commercial place, a surface area complying with the standards, etc. In addition to the assistant returning officer, the human resources at the disposal of the returning officer in his main office are the permanent aides and casual aides, all chosen and appointed by the returning officer.

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20 Personnel chosen and appointed by the Chief Electoral Officer.

21 Personnel chosen by the returning officer.

22 Personnel recommended by the political parties or candidates.

The organization and the closing of the main office are the responsibility of the returning officer.

7.6 What are the activities of the Chief Electoral Officer at the individual level (services to the various clienteles)?

Thus far, only the institutional services offered by the Chief Electoral Officer have been addressed and presented. There is another aspect of these services which is intended for the various clienteles (individuals, electors, candidates, media, etc.). At the individual level, the information transmitted about the electoral process is part of the responsibilities of the Chief Electoral Officer.

To offer this service to the various clienteles, the Chief Electoral Officer has set up a permanent Information Centre to respond, at all times, to requests for information. During an electoral event, this personalized service is a tool that facilitates a better understanding of the electoral system.

7.7 International cooperation in the electoral field

The expertise of the Chief Electoral Officer is increasingly in demand at the international level. Within the framework of the December 16, 1990 general election in the Republic of Haiti, he served as personal representative of the Secretary General of the Organization of American States and coordinator of the observation mission of the Organization of American States in the Republic of Haiti.

As part of the 4th Sommet de la Francophonie held in Palais de Chaillot in 1991, the Chief Electoral Officer was asked to prepare a seminar entitled "Program in support of democratization" and intended for certain African countries on the road to democracy. Two seminars have been offered to some forty senior-level participants from ten African countries[23]. Moreover, at the Sommet de la Francophonie held in Mauritania in November 1993, the Government of Québec offered to share its experience and expertise in organizing elections by offering training in the field to the officials in charge of elections in countries moving towards democracy. Intended for officials in charge of elections, who themselves are called upon to instruct election officers, the

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[23] November-December 1992 seminar: Benin, Gabon, Mali, Niger, Rwanda
April 1993 seminar: Guinea, Mauritania, Central African Republic, Senegal, Tunisia.

FORMEL program is meant as a true transfer of electoral knowledge adapted to the reality of each country. On the basis of data collected on site during an evaluation mission in the host country, representatives of the Chief Electoral Officer develop and propose adapted tools. Afterwards, they give training sessions. Finally, the program makes provision for an evaluation phase on polling day and the days that follow. As it is designed, the FORMEL program should allow election officers to acquire and integrate the election staff training and management principles that have helped to ensure the success of electoral events in Québec. An initial evaluation mission to Benin, Ivory

Coast and Gabon in June 1994 made it possible to evaluate the training needs and to establish the type of assistance to be granted. The first instructor training session was given in February 1995 in Benin. It was followed by an electoral observation mission in March 1995 at the time of the legislative elections. Still in Benin, within the framework of the March 1996 presidential election, there was an exploratory mission in February 1996 and an electoral evaluation mission in March 1996.

In 1997, there was an increase in international cooperation within the framework of the IPSD (Integrated program in support of democratization and human rights). The aim of the IPSD is to support initiatives to back democratization, human rights and good governance in countries that are seeking to develop their democratic institutions. A major cooperative effort was put in place with Benin within the framework of the IPSD, in particular with a needs analysis mission. This cooperation intensified in 1999, among other things through a seminar on the financing of political parties and the control of election expenses as part of an exchange seminar between the National Assembly of Québec and the National Assembly of Benin. Prior to that, a training seminar on electoral financing had been held in 1998, once again in Benin. From 1996 to 2001, the Chief Electoral Officer continued his international initiatives with French-speaking countries of Africa, in particular Mali, Burkina Faso, Cameroon, Senegal, Ivory Coast and Chad through election observation missions, seminars, conferences, and assistance, election personnel training and analysis missions.

Finally, specialists from the Chief Electoral Officer have been sent to some fifteen countries to provide technical support or electoral expertise.

Part three
Electoral process

8

List of electors at the time of an electoral event

8.1 What is the list of electors?

Any person who wishes to exercise his right to vote must first of all be entered on the list of electors.

To promote the registration of persons who are qualified electors, the Election Act of Québec makes provision for appropriate mechanisms to register electors on the permanent list of electors. Electors are grouped by polling subdivision. The polling subdivision is the territorial unit inside the electoral division comprising a maximum of 350 electors.

The Election Act stipulates that to be registered a person must meet the following requirements:

- have attained eighteen years of age;
- be a Canadian citizen;
- have been domiciled in Québec for six months, or in the case of an elector outside Québec for twelve months;
- not be under curatorship;
- not have been deprived of his election rights[24].

The domicile of a person is the same as that established under the Civil Code.

All persons eligible to exercise their right to vote outside Québec are deemed to be domiciled in Québec.

In addition to the obligation of being a qualified elector, a person must be registered on the list of electors in the polling subdivision where he has his domicile on Tuesday of the second week preceding that of the poll. However, certain exceptions apply. If an elector temporarily leaves his domicile to work, to study, to receive health care in a hospital centre,

[24] Every person found guilty of a corrupt electoral practice is deprived of his election rights.

a long-term care centre or a rehabilitation centre, or to ensure his safety or that of his children, the elector may be considered domiciled in the polling subdivision where he is domiciled, namely the one where he is residing for one of these purposes. Moreover, an elector who is a member of the National Assembly at the time that an election is called and who runs in an electoral division other than the one in which his domicile is located may also be considered as being domiciled in the polling subdivision in which his domicile is located or the one in which is found the main office that he uses for election purposes.

As soon as an election is called, the Chief Electoral Officer produces a list of electors and the list of electors authorized to vote outside Québec. These lists are transmitted to each returning officer for their respective electoral division.

8.2 What is the revision of the list of electors at the time of an electoral event?

A revision period is held for those persons who, while being qualified electors, are not entered on the list of electors of the polling subdivision of their domicile or whose entry contains an error. The revision also makes it possible to request the striking of those persons who are entered on the list without being entitled to entry:

- because they are not qualified electors;
- because they do not have their domicile in the polling subdivision where they are registered;
- because they are deceased.

8.3 What about the transmission and distribution of the list of electors?

The list of electors of each polling subdivision, which up until just recently was distributed to each domicile, is no longer transmitted to electors. Instead, the Chief Electoral Officer sends each address a notice indicating the information pertaining to the electors entered on the list of electors at that address.

The following indications are joined to the notice distributed to each dwelling:

- the dates of the revision;
- information for the elector who must apply to the board of revisors to which his polling subdivision is attached;
- the place where he can go to make the appropriate changes or to register, as the case may be (board of revisors);
- the place, dates and times of advance polling.

As for the list of electors, it is transmitted to the political parties on electronic support or on paper. In this latter case, two copies of the list shall be transmitted.

8.4 What is the purpose of the revision?

The purpose of the revision is to update the list of electors, to purge and to correct the errors that it may contain. The period during which the board of revisors is in operation lasts eleven days. The revision takes place from the Monday of the third week to the Thursday of the second week preceding that of the poll. The board of revisors sits between 10:00 a.m. and 9:00 p.m. during this period.

The conditions related to filing and analyzing applications for changes to the list of electors are as follows:

- as a general rule, an elector who wishes to make a change to the list of electors must apply to a board of revisors. Indeed, it is the responsibility of the board of revisors to receive, analyze and rule on applications;
- an elector who wishes to register on the list of electors must present two supporting documents;
- moreover, the board of revisors may require from the applicant any proof that it deems necessary to make its decision;
- an elector who is the spouse, or a relative of, or a person cohabiting with an elector may present an application for changes concerning the elector on the latter's behalf;
- a special rule applies to establishments, recognized by the ministère de la Santé et des Services sociaux. The electors of these establishments may transmit in writing their applications for changes to the list of electors. They benefit from the same time period as do other electors and they must provide two supporting documents. Their applications are sent to the office of the returning officer who forwards them to the appropriate board of revisors;

- moreover, an elector who does not wish to be entered on the list of electors can ask to have his name struck from the list.

It should be noted that in addition to the aforementioned revision period, a special revision period is held from Wednesday of the second week to Thursday of the week preceding that of the poll. At that time an elector can present an application for entry, striking or correction concerning him at the office of the returning officer of his electoral division or at any other designated place. The elector indicates, where necessary, that he only wants his entry to be considered for the purposes of the election in progress. The lists corrected during the periods set aside for the revision are the lists of electors that will be used in the polling stations by polling officers.

8.5 Who does what at the time of the revision?

Before

Several preliminary operations are necessary before opening the boards of revisors to receive applications. First, the Chief Electoral Officer determines the number of boards of revisors to be set up for all of the polling subdivisions of the electoral divisions. As a general rule, a board of revisors is set up for a group of about 40 polling subdivisions.

The members of the boards of revisors are appointed, trained and sworn in by the returning officer based on the recommendations of the political parties. Each board of revisors has three revisors. After having consulted the parties represented at the National Assembly, the Chief Electoral Officer chooses and appoints the revisor who will act as chairman of the board of revisors. The revisor recommended by the authorized party that ranked first at the last election or by the independent member elected as such acts as vice-chairman of the board.

The responsibility for the choice of places and the organization of offices of the boards of revisors lies with the returning officer.

During

After having received a notice of entry at his domicile, each resident can read the contents of this notice and check the accuracy of the information concerning him. Moreover, this notice stipulates the dates and places where the boards of revisors are in session, as well as the formalities of the revision. Persons who are qualified electors and who do not receive this notice can check if they are correctly entered on the list at the office of their returning officer or with the Chief Electoral Officer. The revision also concerns those persons registered on the list of electors without being entitled thereto.

Persons who wish to make changes to the list of electors must apply to the board of revisors. The election officers then complete one of the following: an application for entry, an application for striking or an application for correction to the list of electors.

With this aim in mind, the activities of the revisors on a board of revisors consist of:

- receiving the elector;
- completing the appropriate form based on the application and requesting, where applicable, any proof needed to make a decision;
- immediately analyzing each application and, as such:
  - taking into consideration the application so as to clearly establish its nature, the capacitation of the person making the application and the grounds invoked;
  - informing the elector present of its decision, in all cases where it is able to make an immediate decision. If the elector is absent, the board must notify him immediately in writing;
  - convening by means of a notice the person concerned by the application for striking or a refusal of the application for entry. This notice is of one clear day. This time period allows the person in question to be heard before the revisors. The convocation is not necessary when the person concerned has been met and has confirmed that he is not a qualified elector;
  - making inquiry to seek information and to verify the facts;
  - summoning witnesses and receiving their deposition as well as that of any person who is the subject of an application and who wishes to be heard;
  - deliberating on the case under study.

The board must make a decision concerning each application. Each decision is reached by majority vote of the revisors. In the case of a tie-vote, the chairman or vice-chairman in his absence has a preponderant vote. The board may review or revoke any decision that it has made to strike or refuse to enter a person if a new fact comes to light or if the person concerned was unable to present his observations, for reasons deemed satisfactory.

For the sending of notices and for the inquiry work, the board of revisors has revising officers recommended by the political parties. The board of revisors also has a secretary whose duties include recording all decisions of the board.

The revisors must transmit to the returning officer the decisions that they have made.

Following the regular revision, the entries, corrections and strikings made by the boards of revisors are incorporated into the list of electors. It is then transmitted to the appropriate persons, according to the formalities described earlier. However, these modifications must be easy to detect so that the users of the list of electors can identify the changes.

The following persons and groups are entitled to obtain the list of electors:

- political parties (computer support);
- candidates (computer support and two paper copies);
- the Chief Electoral Officer (electronic transmission).

Upon receiving all new entries on the list in an electoral division, the Chief Electoral Officer proceeds to identify for all of the electoral divisions the entries of electors having the same name and having the same date of birth. This process takes place daily, throughout the ordinary revision and special revision periods.

Unless the Chief Electoral Officer is certain that the entries refer to different electors, he transmits to the returning officer of each of the electoral divisions in question an application to verify the entry for each elector thus identified.

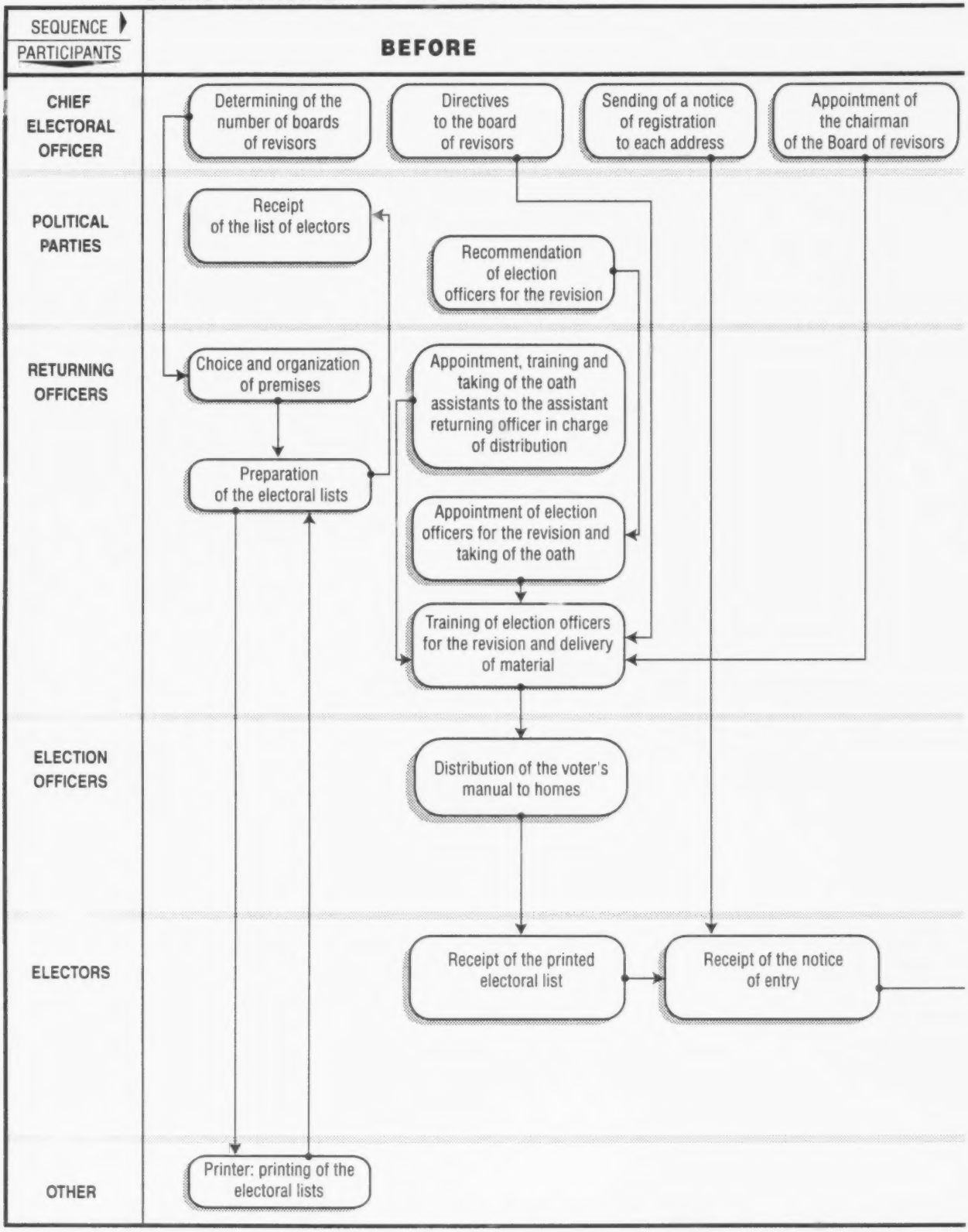
The returning officer transmits the application to verify these entries to the special board of revisors.

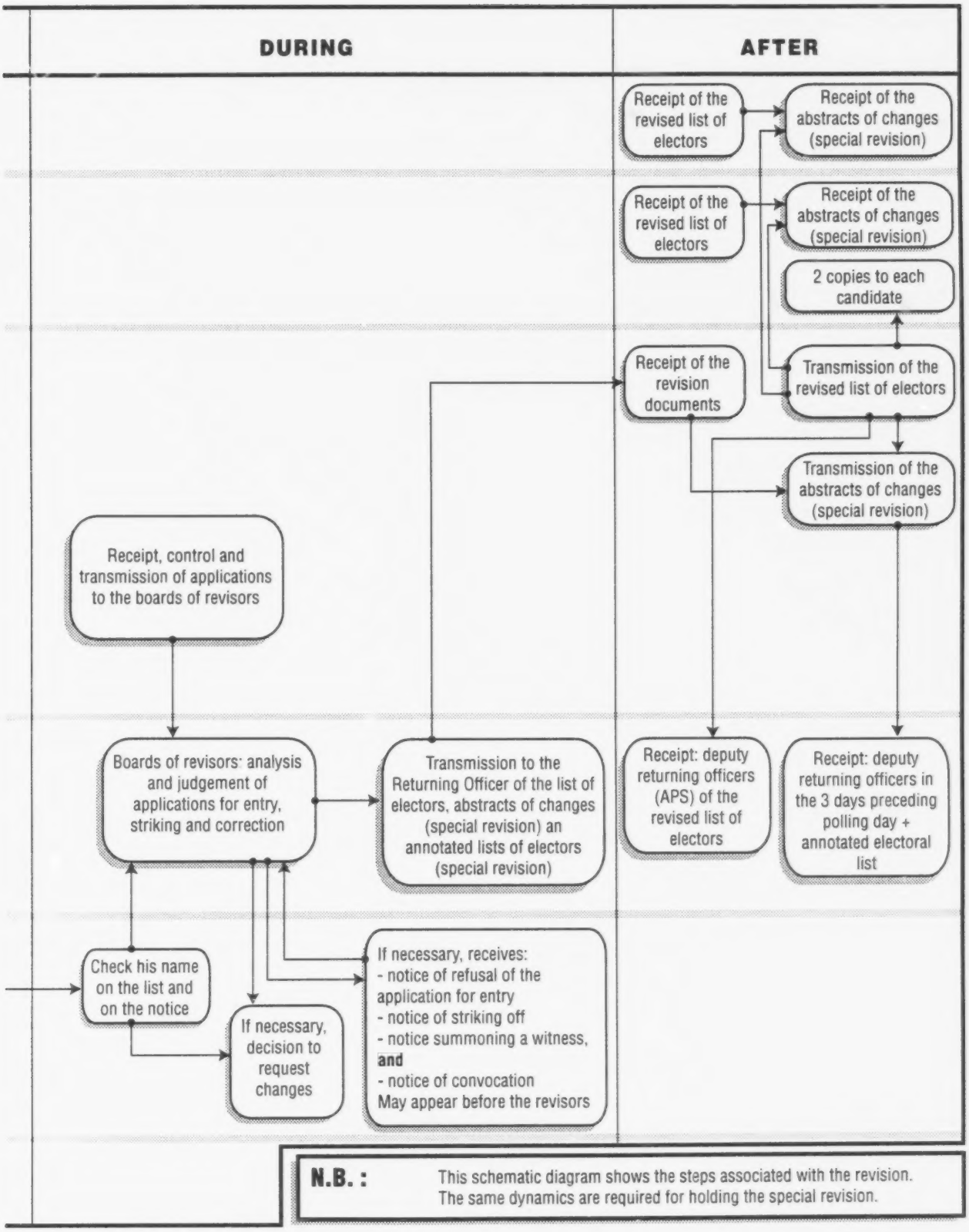
In addition to the regular board of revisors, the Chief Electoral Officer establishes a board of revisors for electors exercising their right to vote outside Québec. This board sits between Monday of the third week and Thursday of the week that precedes that of the poll. This board basically takes care of the changes made to the list of electors outside Québec.

After

After the holding of the event, the changes made to the list of electors will be added to the register of electors of the permanent list of electors for its updating.

8.6 Dynamics between participants within the framework of the revision of the list of electors


SEQUENCE
PARTICIPANTS
BEFORE
CHIEF ELECTORAL OFFICER
POLITICAL PARTIES
RETURNING OFFICERS
ELECTION OFFICERS
ELECTORS
OTHER
Determining of the number of boards of revisors
Directives to the board of revisors
Sending of a notice of registration to each address
Appointment of the chairman of the Board of revisors
Receipt of the list of electors
Recommendation of election officers for the revision
Choice and organization of premises
Appointment, training and taking of the oath assistants to the assistant returning officer in charge of distribution
Preparation of the electoral lists
Appointment of election officers for the revision and taking of the oath
Training of election officers for the revision and delivery of material
Distribution of the voter's manual to homes
Receipt of the printed electoral list
Receipt of the notice of entry
Printer: printing of the electoral lists


DURING
AFTER
Receipt of the revised list of electors
Receipt of the abstracts of changes (special revision)
Receipt of the revised list of electors
Receipt of the abstracts of changes (special revision)
2 copies to each candidate
Receipt of the revision documents
Transmission of the revised list of electors
Transmission of the abstracts of changes (special revision)
Receipt, control and transmission of applications to the boards of revisors
Boards of revisors: analysis and judgement of applications for entry, striking and correction
Transmission to the Returning Officer of the list of electors, abstracts of changes (special revision) an annotated lists of electors (special revision)
Receipt: deputy returning officers (APS) of the revised list of electors
Receipt: deputy returning officers in the 3 days preceding polling day + annotated electoral list
Check his name on the list and on the notice
If necessary, decision to request changes
If necessary, receives:
- notice of refusal of the application for entry
- notice of striking off
- notice summoning a witness,
and
- notice of convocation
May appear before the revisors
N.B. :
This schematic diagram shows the steps associated with the revision.
The same dynamics are required for holding the special revision.

9

Candidacy, control of financing and election expenses

9.1 A brief history

While the first attempts to regulate election expenses of candidates may be traced back to a bill of 1875, it was basically beginning in 1963 that a series of provisions concerning the control of election expenses was introduced in the Election Act. From then on, every candidate or political party had to appoint an official agent who, alone, could incur election expenses. The same statute set a ceiling on election expenses for candidates and parties and allowed certain candidates to obtain a partial reimbursement of their expenses.

With the passing of the Act governing the financing of political parties in 1977, a very comprehensive framework for political financing was put in place. This system, which is still in effect, allows only electors to make political contributions and prohibits legal persons from doing so. It also provides for a ceiling on contributions, the obligation by political parties, their authorities, independent members, and authorized independent candidates to file financial reports as well as the disclosure of the names and addresses of persons who contributed over $200.

Moreover, the Act requires that every party, authority, independent member or independent candidate hold an authorization from the Chief Electoral Officer to solicit contributions, incur expenses and contract loans. The Act governing the financing of political parties, which since 1984 has been integrated in the Election Act, basically maintains the provisions of the 1963 statute concerning election expenses.

It is within this framework that the notions of candidacy (candidate of an authorized party and independent candidate) and authorization (of a political party, a party authority, an independent member or an independent candidate) are related. Indeed, the official recognition of a candidate for a given electoral event can take on two forms:

1. the filing of a nomination paper with the returning officer by all the persons wishing to become candidates;
2. the authorization by the returning officer in the case of independent candidates who wish to collect contributions and incur expenses.

9.2 What is a nomination paper?

A nomination paper is a form prescribed by regulation which allows any person wishing to become a candidate to provide the information required under the Election Act:

- given name and surname;
- address of his domicile;
- date of birth;
- occupation;
- political allegiance, where applicable, or if he prefers, the particular "independent";
- name and signature of his official agent;
- name and signature of his mandatary (mandataries), where applicable;
- signature and address of 100 electors entered on the list of electors of the division.

At the time of the filing of the nomination paper, the official representative of a candidate who was empowered to collect contributions on behalf of the candidate becomes his official agent and is empowered to incur "election expenses" during the election period.

Other documents must be appended to the nomination paper in order for it to be in conformity:

- birth certificate or any other identification document stipulated by regulation;
- letter from the leader of the party recognizing the person as a candidate of the party, where applicable;
- photograph of the candidate signed on the back by two electors of the division.

All those persons interested in running as a candidate must file their nomination paper, within the time periods stipulated by the Act, at the office of the returning officer of their electoral division. After having verified the conformity of the documents submitted to him, the returning officer issues an acknowledgment of receipt. In so doing, the returning officer formally recognizes the person as a candidate in the election. To be eligible, a person must be a qualified elector. However, the Election Act stipulates a few rare exceptions the effect of which is to make an eventual candidacy unacceptable. These exceptions include, in particular, the Chief Electoral Officer, the commissioners of the Commission de la représentation électorale, the returning officers, the judges of judicial tribunals, the members of the Parliament of Canada. Persons found guilty of a criminal act punishable by two years of imprisonment or more are also ineligible for the duration of their sentence.

9.3 What is an authorization?

An authorization consists of granting to a political party, a party authority[25], an independent member, or an independent candidate the right to solicit and collect contributions, incur expenses and contract loans. It is the responsibility of the Chief Electoral Officer to grant authorizations.

A political party is authorized, upon written application from the leader of the party addressed to the Chief Electoral Officer, when it meets certain criteria. It must, in particular, undertake to present official candidates in at least twenty electoral divisions in the following general election. The signatures of at least twenty-five electors per electoral division in twenty electoral divisions are required to support the application for authorization. Moreover, the application must include a deposit of five hundred dollars, refundable at the time of the filing of the party's first financial report.

The Chief Electoral Officer grants an authorization to an authority of a party, upon written application from the leader of the authorized party or from the person designated in writing by the leader and upon production of certain information (name of the authority, name of the official representative, etc.). It should be noted that a party or an authority may be authorized at any time.

With the exception of independent candidates, the recruitment of candidates falls within the internal dynamics of political parties in each electoral division. The candidates of the authorized parties who have a

[25] The authorities of a party are the organizations of a political party at the level of an electoral division of a region or of Québec.

letter of recognition from the leader of their party do not need to be authorized for an election. For those independent candidates who wish to be authorized, their authorization is the responsibility of the returning officer, to whom the Chief Electoral Officer has delegated his powers of authorization. Non-elected independent candidates are authorized during an election period and this authorization applies only to the election in progress. The authorization of an independent candidate who was elected expires when the latter ceases to sit in the National Assembly as an independent member, unless he runs again in this capacity. Finally, a member who becomes independent, without having been elected as such, must submit an application for authorization to the Chief Electoral Officer in the 30 days following the obtaining of this status.

9.4 Who does what for the candidacy and the control of financing and election expenses?

Before

All the official candidates of an authorized political party and all independent candidates must have filed their nomination paper form at the main office of the returning officer before 2:00 p.m. on the 16th day preceding polling day. All nomination papers must include the address and signature of at least 100 electors entered on the list of electors of the electoral division in which the candidate is running. The candidate or the person he mandates for this purpose is the only person authorized to collect these signatures.

During

Upon presentation of the nomination paper, the returning officer checks whether, in all probability, it conforms to the requirements of the Election Act, in particular if the persons who supported a candidacy are indeed entered on the list of electors of the electoral division. He checks whether all the required documents are enclosed. He then issues an acknowledgment of receipt which is proof of the candidacy and he immediately informs the Chief Electoral Officer. The returning officer keeps the original documents of the candidacy files for the duration of the election. A copy of these documents is available at his office for consultation by another candidate or by electors, and a copy is sent to the Chief Electoral Officer.

Independent candidates may request an authorization to solicit or to collect contributions and to incur expenses. The returning officer is empowered to authorize the independent candidates during an electoral event.

The returning officer gives each candidate the documents pertaining to the financing of political parties and the control of election expenses so that the official agent, the person in charge of election expenses, can perform his duties. In the case of an independent candidate, the official agent also performs the duties of the official representative, namely those dealing with contributions, loans and other fundraising activities.

According to the Election Act, the cost of any goods or services used for the following purposes during an election period is an election expense:

- to promote or oppose, directly or indirectly, the election of a candidate or the candidates of a party;
- to propagate or oppose the program or policies of a candidate or party;
- to approve or disapprove courses of action advocated or opposed by a candidate or party;
- to approve or disapprove any act done or proposed by a party, a candidate or their supporters.

During an election period, the official agent of a candidate and the official agent of the party are the only persons empowered to incur or authorize expenses from the election fund made available to them by the official representative. They must respect the ceiling on expenses stipulated in the Act and also file a return of election expenses after the poll. At a general election, a party's election expenses are limited to $0.60 per elector in all of the electoral divisions where this party has a candidate. For candidates, election expenses are limited to $1.00 per elector in their electoral division. However, the maximum amount has been increased for certain electoral divisions due to their geographical and demographic specificity. In the electoral divisions of Duplessis, Rouyn-Noranda-Témiscamingue, Saguenay and Ungava, the maximum has been increased by $0.25 per elector, whereas in the electoral division of Îles-de-la-Madeleine, the maximum has been increased by $0.70 per elector. The foregoing amounts are adjusted on April 1st of each year according to the variation in the Consumer Price Index for the previous year.

Upon receiving the results of voting, the Chief Electoral Officer pays all those candidates who were elected or who obtained 15% of the valid votes an advance on the reimbursement equal to 35% of the limit on the election expenses.

The official representative may collect funds through political activities, by soliciting electors or by contracting a loan. Only individuals at least 18 years of age, residing in Québec and having the right to vote may make contributions not exceeding during the same calendar year $3,000 to each authorized party, independent member or authorized independent candidate. Moreover, all parties, independent members and authorized independent candidates must disclose the names and addresses of the electors who contributed more than $200. The official representative of a party, an authority or an independent member ensures the management of current business and files a financial report on an annual basis. The official representative of an authorized independent candidate must file a financial report at the same time as he files his return of election expenses and, where applicable, another financial report to show the payment of the debts ensuing from his election expenses or the disposal of the sums and assets from his election fund.

Within the framework of an election, be it provincial or municipal, an elector or a group made up in the majority of electors may henceforth incur advertising expenses to make known its view on a matter of public interest or to obtain support for such a view or to advocate abstention or the spoiling of ballots, without however directly promoting or opposing a candidate or a party.

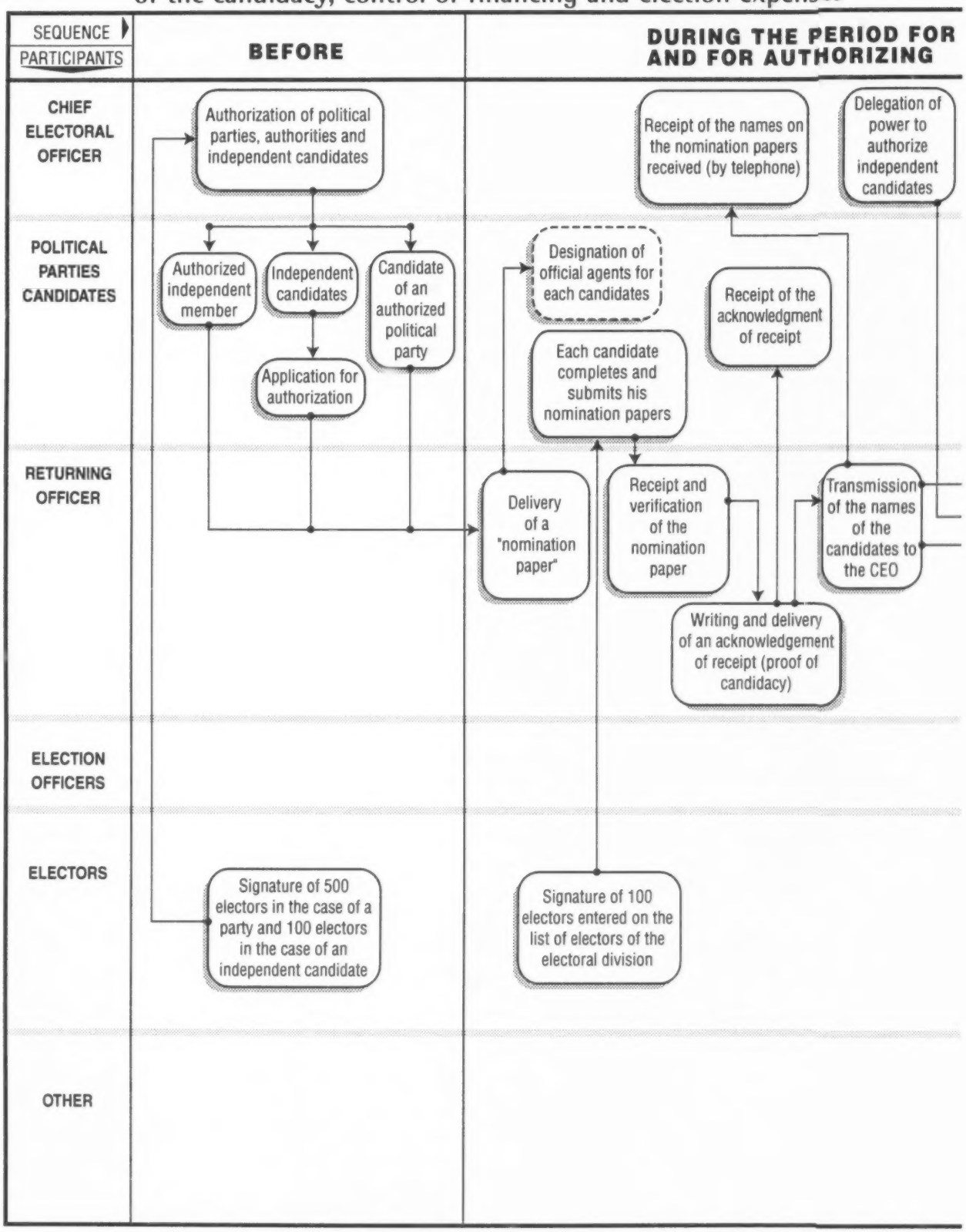
This elector or group of electors, designated in the Act under the term of private intervenor, must however obtain a prior authorization from the returning officer. The advertising expenses may not exceed a total of $300 and a private intervenor is prohibited from pooling such expenses with anyone else. Finally, a return of expenses, along with vouchers, must be filed in the 30 days that follow the election.

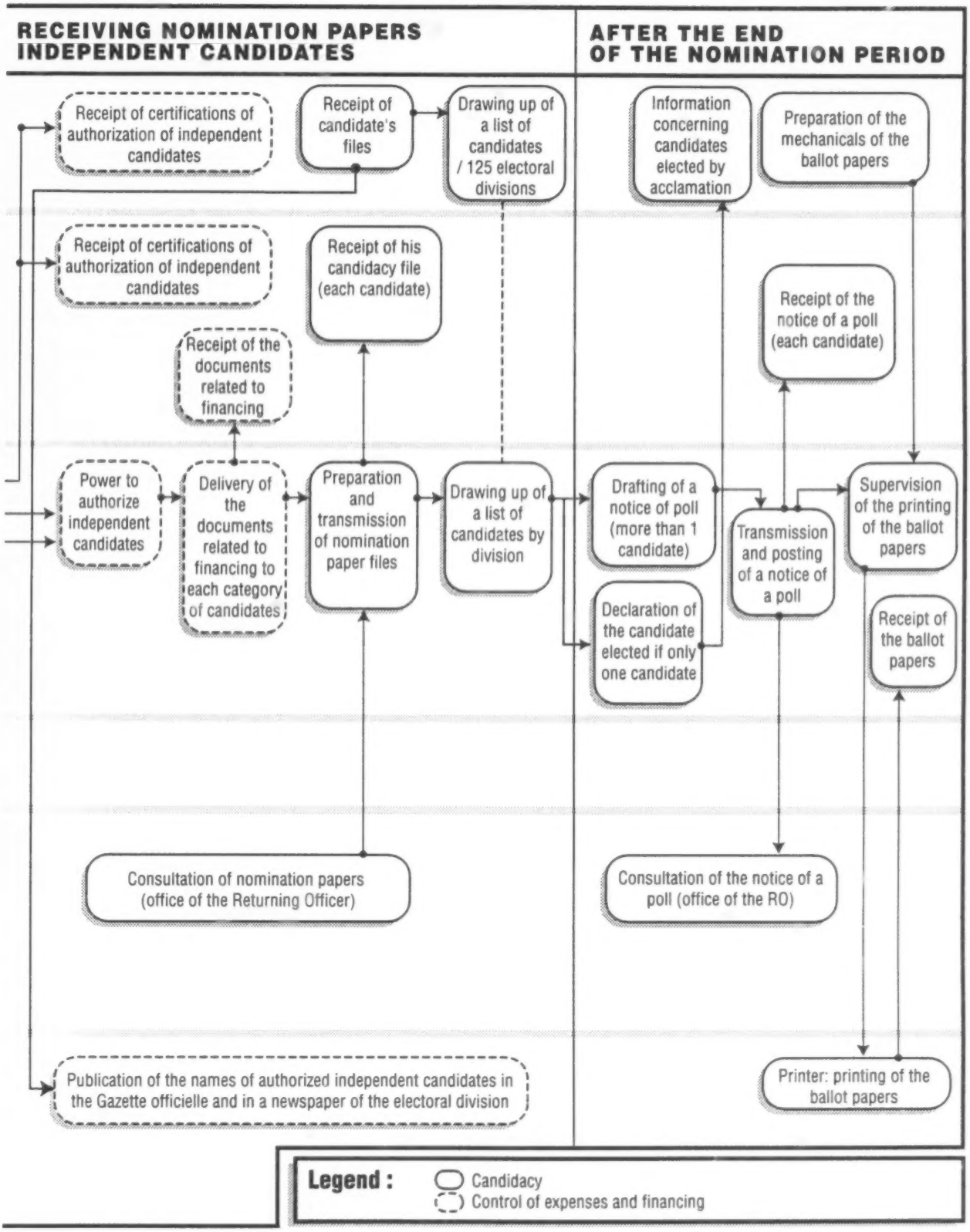
After

At the end of the period for filing nomination papers, the returning officer transmits to each candidate the notice of a poll comprising the official list of candidates and their political affiliation. If there is only one candidate, the latter is declared elected.

The returning officer then has the ballot papers printed on special paper according to the instructions of the Chief Electoral Officer using match-prints provided by the latter.

9.5 Dynamics between participants within the framework of the candidacy, control of financing and election expenses


SEQUENCE
PARTICIPANTS
BEFORE
DURING THE PERIOD FOR AND FOR AUTHORIZING
CHIEF ELECTORAL OFFICER
POLITICAL PARTIES CANDIDATES
RETURNING OFFICER
ELECTION OFFICERS
ELECTORS
OTHER
Authorization of political parties, authorities and independent candidates
Receipt of the names on the nomination papers received (by telephone)
Delegation of power to authorize independent candidates
Authorized independent member
Independent candidates
Candidate of an authorized political party
Application for authorization
Designation of official agents for each candidates
Receipt of the acknowledgment of receipt
Each candidate completes and submits his nomination papers
Delivery of a "nomination paper"
Receipt and verification of the nomination paper
Transmission of the names of the candidates to the CEO
Writing and delivery of an acknowledgement of receipt (proof of candidacy)
Signature of 500 electors in the case of a party and 100 electors in the case of an independent candidate
Signature of 100 electors entered on the list of electors of the electoral division


RECEIVING NOMINATION PAPERS
INDEPENDENT CANDIDATES
AFTER THE END
OF THE NOMINATION PERIOD
Receipt of certifications of authorization of independent candidates
Receipt of candidate's files
Drawing up of a list of candidates / 125 electoral divisions
Information concerning candidates elected by acclamation
Preparation of the mechanicals of the ballot papers
Receipt of certifications of authorization of independent candidates
Receipt of his candidacy file (each candidate)
Receipt of the notice of a poll (each candidate)
Receipt of the documents related to financing
Power to authorize independent candidates
Delivery of the documents related to financing to each category of candidates
Preparation and transmission of nomination paper files
Drawing up of a list of candidates by division
Drafting of a notice of poll (more than 1 candidate)
Transmission and posting of a notice of a poll
Supervision of the printing of the ballot papers
Declaration of the candidate elected if only one candidate
Receipt of the ballot papers
Consultation of nomination papers (office of the Returning Officer)
Consultation of the notice of a poll (office of the RO)
Publication of the names of authorized independent candidates in the Gazette officielle and in a newspaper of the electoral division
Printer: printing of the ballot papers
Legend :
Candidacy
Control of expenses and financing

10

Advance polling
Mobile polling station
Voting of electors outside Québec
Voting of inmates

10.1 What is advance polling?

Election officers, handicapped persons or persons who have reason to believe that it will be difficult for them to vote in their polling subdivision on polling day may vote in the advance poll, namely vote before polling day. These persons must be qualified electors and be entered on the list of electors.

As a limited number of electors take part in the advance poll, each advance polling station includes more than one polling subdivision, unlike in the case of polling stations on polling day. These advance polling stations are open during a two-day period, namely from 2:00 p.m. to 9:00 p.m. on the Sunday and Monday of the week preceding the poll.

10.2 What is a mobile polling station?

Every elector residing in a hospital centre or a reception centre[26] may vote at a mobile polling station if he applies therefore to the returning officer; if he is registered on the list of electors of the polling subdivision in which the centre is situated, and if he is unable to move about.

The mobile polling station can go to electors from 9:00 a.m. to 1:00 p.m. on the Sunday, Monday and, if necessary, the Tuesday of the week preceding polling day.

[26] Only the hospital centres and reception centres identified by the ministère de la Santé et des Services sociaux du Québec can be visited by a mobile polling station.

10.3 What is the voting of electors outside Québec?

Temporarily absent from Québec, electors outside Québec must be registered on the permanent list of electors. They must make an application for registration to the Chief Electoral Officer on their own initiative.

An elector who has left Québec temporarily and who intends to return is entitled to exercise his right to vote outside Québec for two years after his departure. However, the two-year time limit does not apply:

1. To an elector who is posted outside Québec to a position with the government of Québec or of Canada;
2. To an elector who is posted outside Québec to a position with an international organization of which Québec or Canada is a member and to which it pays a contribution;
3. To the spouse, or de facto spouse, and the dependents of an elector provided they themselves are electors.

An elector who wishes to exercise his right to vote outside Québec must file a signed application containing the following information:

1. His name, sex and date of birth;
2. The address of his last domicile in Québec;
3. The date of his departure from Québec;
4. The projected date of his return to Québec;
5. His postal address outside Québec.

A statement by the elector that he intends to return to Québec and two documents of the type determined by the Chief Electoral Officer must be joined to the application in support of the information communicated. In the case of an elector posted to a position with the government of Québec or Canada or with an international organization of which Québec or Canada is a member, proof of posting outside Québec must be joined to the application.

The Chief Electoral Officer shall incorporate into the permanent list of electors the information necessary for the exercise of the right to vote outside Québec by every elector who qualifies therefore.

Every elector who returns to Québec is responsible for advising the Chief Electoral Officer thereof.

The Chief Electoral Officer strikes from the permanent list of electors the information necessary for the exercise of the right to vote outside Québec where it concerns an elector who has returned to Québec or who has been outside Québec for more than two years excepting an elector posted to a position on behalf of the government of Québec or Canada or an international organization of which Québec or Canada is a member.

Electors outside Québec exercise their right to vote by mail and must send their ballot paper to the Chief Electoral Officer before 8:30 p.m. on polling day.

10.4 What is the voting of inmates?

Inmates who are domiciled in Québec and who wish to exercise their right to vote in a polling station specially arranged for them in their house of detention on the Monday of the week preceding polling day.

10.5 Who does what at the time of the advance poll?

Before

Preparations must be made in view of holding the advance poll. First, the returning officer establishes in his division as many advance polling stations as he deems necessary; he identifies the polling subdivisions related to these stations and finally, he groups these polling stations in public places accessible to electors and in particular to handicapped persons. He immediately informs each candidate and each authorized authority of a party in his electoral division of these stations.

In addition to the activities related to the organization of polling stations, the returning officer is also responsible for sending to each address the notice informing electors of the place, dates and times of advance polling. A copy of the "Voter's Manual" is sent out at the same time as this notice. This information document is prepared by the Chief Electoral Officer and seeks to inform individuals about their right to vote, the list of electors and the revision, the financing of political parties and candidates, the control of election expenses as well as about the conditions for participating in the poll.

The returning officer appoints, trains and issues the oath of office to the election officers who will be assigned to the advance poll. This staff includes an officer in charge of information and order (primo) for each polling place (group of several polling stations), as well as a deputy returning officer and a poll clerk for each polling station. The appointments of the deputy returning officer and poll clerk are made on the recommendation of the candidates of the authorized political parties, according to the standing of these political parties in the last election. An independent member elected as such and who is running for re-election may make a recommendation as to the choice of the deputy returning officer.

Each candidate may designate a representative that he mandates by power of attorney to act on his behalf. These representatives represent him before the deputy returning officer and the officer in charge of information and order for the duration of the two days of the advance poll.

The ballot boxes used in all polling stations are made of cardboard. These ballot boxes are supplied by the Chief Electoral Officer. As for the returning officer, he must hire the staff necessary to assemble, glue and prepare the ballot boxes. It is only after these operations that the personnel assigned to this task deposit the material necessary for the poll and the counting of the votes in the ballot box. The ballot box must contain, among other things, the lists of electors certified to be true, comprising the abstracts of changes made at the time of the revision, the poll book of the advance poll and the ballot papers (placed in a sealed envelope).

In the three days that precede the first day of the advance poll, the returning officer transmits to each deputy returning officer the ballot box corresponding to his polling station as well as a polling booth which allows the elector to mark his ballot paper in private.

During

On Sunday and Monday of the week preceding polling day, advance polling stations are open from 2:00 p.m. to 9:00 p.m. At the close of the advance polling station on Sunday evening, there is an adjournment until 2:00 p.m. on Monday whereas, on the second evening, the advance poll is closed definitively. If the electors were unable to commence voting beginning from 2:00 p.m., or if the poll was interrupted by act of God or if it could not be completed by reason of a lack of ballot papers, the poll continues until it has lasted seven hours for each of the two days. The activities of the election officers during these two days are basically identical.

Prior to the opening of the polling stations, the election officers arrange the premises in accordance with the standards issued by the Chief Electoral Officer. The ballot box is opened and its contents are checked in the presence of the representatives of the candidates. On the first day of the vote, the deputy returning officer ensures that the ballot box contains no ballot paper. The cardboard ballot box is again sealed and placed in such a way as to be visible to all. When the polling station is reopened on the second day, the returning officer, who is responsible for the custody of the ballot boxes, remits them to the election officers. The deputy returning officer must keep in the ballot box, without opening it, the envelope containing the ballot papers deposited at the closing of the first day.

Upon his arrival at the voting place, the elector is welcomed by the officer in charge of information and order who directs the elector to the appropriate polling station. This officer must ensure that only one person at a time is admitted to a polling station. The elector goes to his polling station and gives his name and address. The elector must also establish his identity by presenting his health insurance card, his driver's licence, his Canadian passport or any other document issued by the government, one of its departments or one of its agencies and that is determined by government regulation. The deputy returning officer then checks whether the elector is entered on the list of electors. When an election officer or a representative of a candidate raises a doubt as to an elector's eligibility to vote, the latter must take an oath, and the reasons for this requirement are entered in the poll book by the poll clerk.

After having initialed the ballot paper, the deputy returning officer gives it to the elector who goes to the polling booth to mark his choice on the ballot paper. The elector marks the ballot paper using the pencil that the deputy returning officer gave him at the same time as the ballot paper. An elector who is unable to mark his ballot paper may request assistance. In the case of a visually handicapped person, a template is given to him, upon request, so that he can exercise his right to vote without assistance. The deputy returning officer tells him the order in which the candidates appear on the ballot paper and the person makes his choice by locating and marking the circle corresponding to the chosen candidate.

On returning from the polling booth, the elector, after having allowed the election officers to examine the initials on the ballot paper, removes the stub and places the ballot paper in the ballot box himself. The poll clerk then indicates on the list of electors that the elector participated in the advance poll, by checking off the appropriate space. In addition to the entries in the poll book and on the list of electors, the election officers must complete a form that contains the name and address of the persons having voted at the advance polling station. Unlike on polling day, candidates may not designate a poll runner who, during voting, collects the lists of persons already having exercised their right to vote.

After

The polling station closes at 9:00 p.m. on the two evenings of the advance poll. At the time of closing, only the electors present on the premises of a polling station at the time set for closing the poll and who have not voted may be admitted to vote. It is up to the officer in charge of information and order to have the electors who are waiting to vote at 9:00 p.m. enter the premises where the polling stations are located. Each evening, the poll is closed as soon as the last person admitted has exercised his right to vote.

While the staff of the advance poll does not count the votes immediately after the closing of the stations on the first and second evenings, the election officers must put the ballot papers in envelopes. Before proceeding to open the ballot box, the deputy returning officer counts the number of spoiled or canceled ballot papers and then the unused ballot papers.

The deputy returning officer places in separate envelopes each group of ballot papers. The poll clerk enters this information in the poll book in addition to indicating the number of electors having voted based on the entries on the list of electors and the abstracts of changes.

After these operations, the deputy returning officer opens the ballot box and puts in an envelope all the ballot papers that are inside the ballot box. The election officers neither count nor examine the ballot papers. It is only at the counting of votes, on election night, that the election officers will have to validate and record the ballot papers used in the advance poll.

The deputy returning officer finally deposits the election material and the sealed envelopes in the ballot box of the poll, except for the envelope containing the lists of electors and the list of electors having voted in the advance poll. The deputy returning officer then gives the ballot box and the envelope to the returning officer or to the person that he designates. At the end of the second day, the returning officer keeps the ballot boxes in a safe place until the counting of the votes. Finally, he immediately transmits to the candidates the list of the electors of the electoral division who voted in the advance poll.

10.6 Who does what during mobile polling?

The returning officer determines the schedule and the conditions allowing the staff of certain advance polling stations to visit electors who have requested to vote at the mobile polling station. Only those persons whose name is on the list of electors registered at a mobile polling station and who, after verification by the deputy returning officer, are entered on the lists of electors of the polling subdivisions in question, may vote at a mobile polling station.

In going to the hospital centres and reception centres, the mobile polling station allows those people who are unable to move about (who meet the criteria of the Election Act) to exercise their right to vote.

Polling officers[27] and the representatives of the candidates do the same work as at the time of the advance poll, making the necessary adaptations.

10.7 Who does what during the voting of electors outside Québec?

The problem of distance is the decisive factor influencing the exercise of the right to vote of electors outside Québec. Voting by mail is the solution chosen by the legislator for this special clientele.

The voting of electors outside Québec is recorded on the basis of the electoral division in which their last domicile in Québec is located.

The Chief Electoral Officer is responsible for the operations allowing this clientele to vote. In this capacity, he sends, beginning from the issue of the order the material allowing them to exercise their right to vote if the application for entry reaches the Chief Electoral Officer before the eighteenth day preceding polling day. This material includes:

- a ballot paper;
- the necessary envelopes;
- the list of the places where the list of the candidates of the 125 Québec electoral divisions will be posted beginning from the fourteenth day preceding polling day;
- an instruction sheet.

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[27] No primo is required at the mobile polling station.

On the fourteenth day preceding polling day, the Chief Electoral Officer sends to each elector entered in the registry the official list of the candidates of his electoral division. An official list of the candidates running in each of the 125 electoral divisions of Québec is sent at the same time to the some thirty Québec representation offices abroad, for consultation by electors outside Québec.

As soon as the ballot paper has been received, the elector outside Québec can exercise his right to vote. To do so, he enters on the ballot paper[28] the name of the candidate of his choice who is running in his division as well as his political affiliation, if he wishes. The elector then places the ballot paper in the first envelope which he seals. This envelope which contains the ballot paper that cannot identify the elector is then inserted in a second envelope (the certificate envelope) on which the elector indicates his surname and given name as well as the address of his last domicile in Québec, and which he then signs.

This signature, compared with that on the application for registration, allows the Chief Electoral Officer to check the similarity, and in so doing, to ensure that it is indeed the registered elector who voted. The third envelope, which contains the first two, and which is pre-addressed to the Chief Electoral Officer, is then sent to Chief Electoral Officer by the elector.

The elector must use the fastest mailing method as only those ballot papers received in due form at the office of the Chief Electoral Officer before 8:30 p.m. on polling night will be counted for the purposes of the election.

10.8 Who does what during the voting of inmates?

The Chief Electoral Officer is responsible for the operations allowing this clientele to vote. Inmates must exercise their right to vote at the polling station of their house of detention from 10:00 a.m. to 8:00 p.m. on the Monday of the week preceding polling day.

[28] The ballot paper of electors outside Québec differs from the regular ballot paper. Indeed, on the front it has two blank spaces allowing the elector to enter the name of the candidate and his political affiliation. On the back, one finds the deputy returning officer's initials as well as the name of the electoral division.

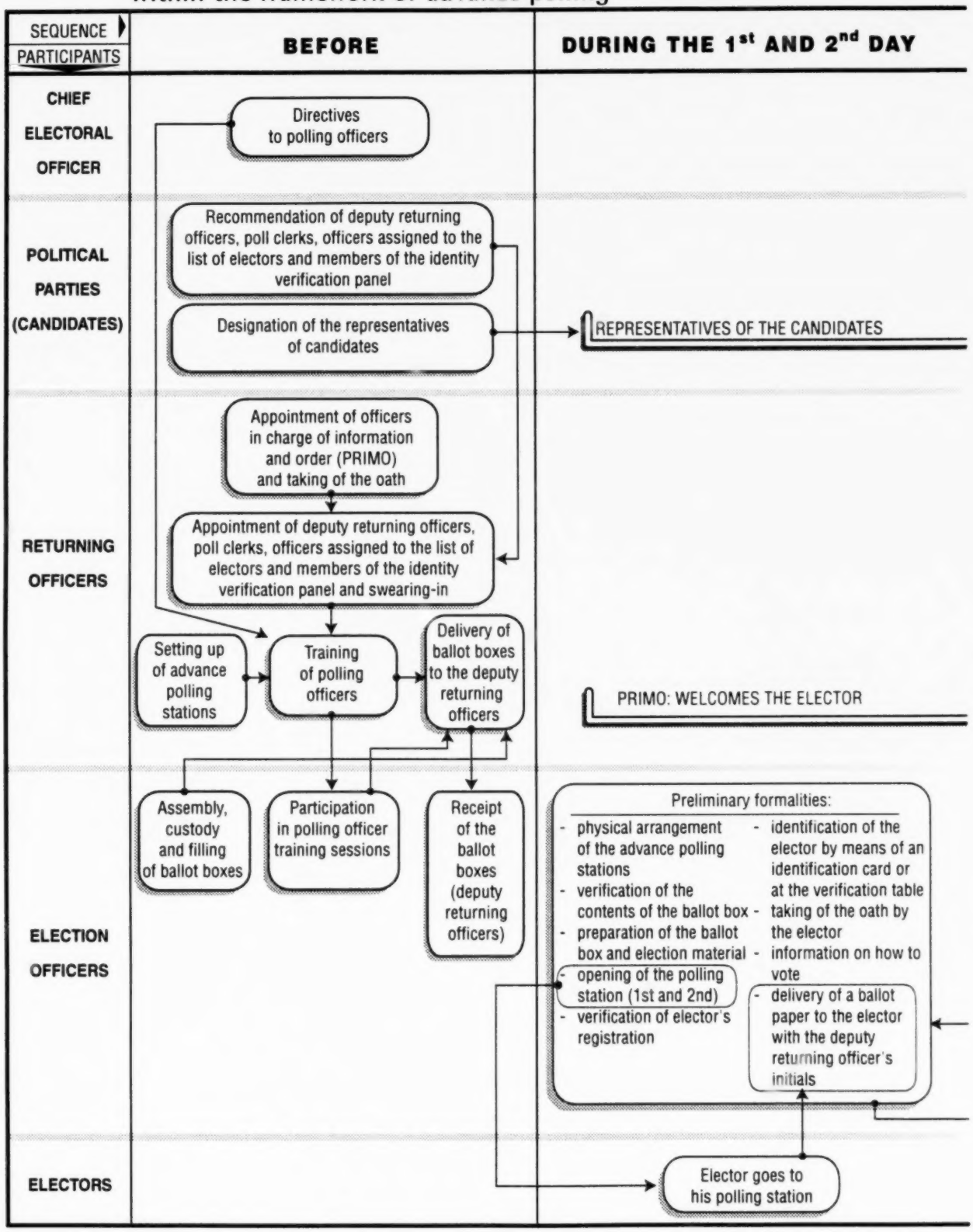
The voting of inmates is recorded based on the electoral division of their domicile and not on the electoral division in which the house of detention is located. While the results of the voting of inmates concern all the electoral divisions, the preparations and holding of the actual vote only concern the electoral divisions where there are houses of detentions.

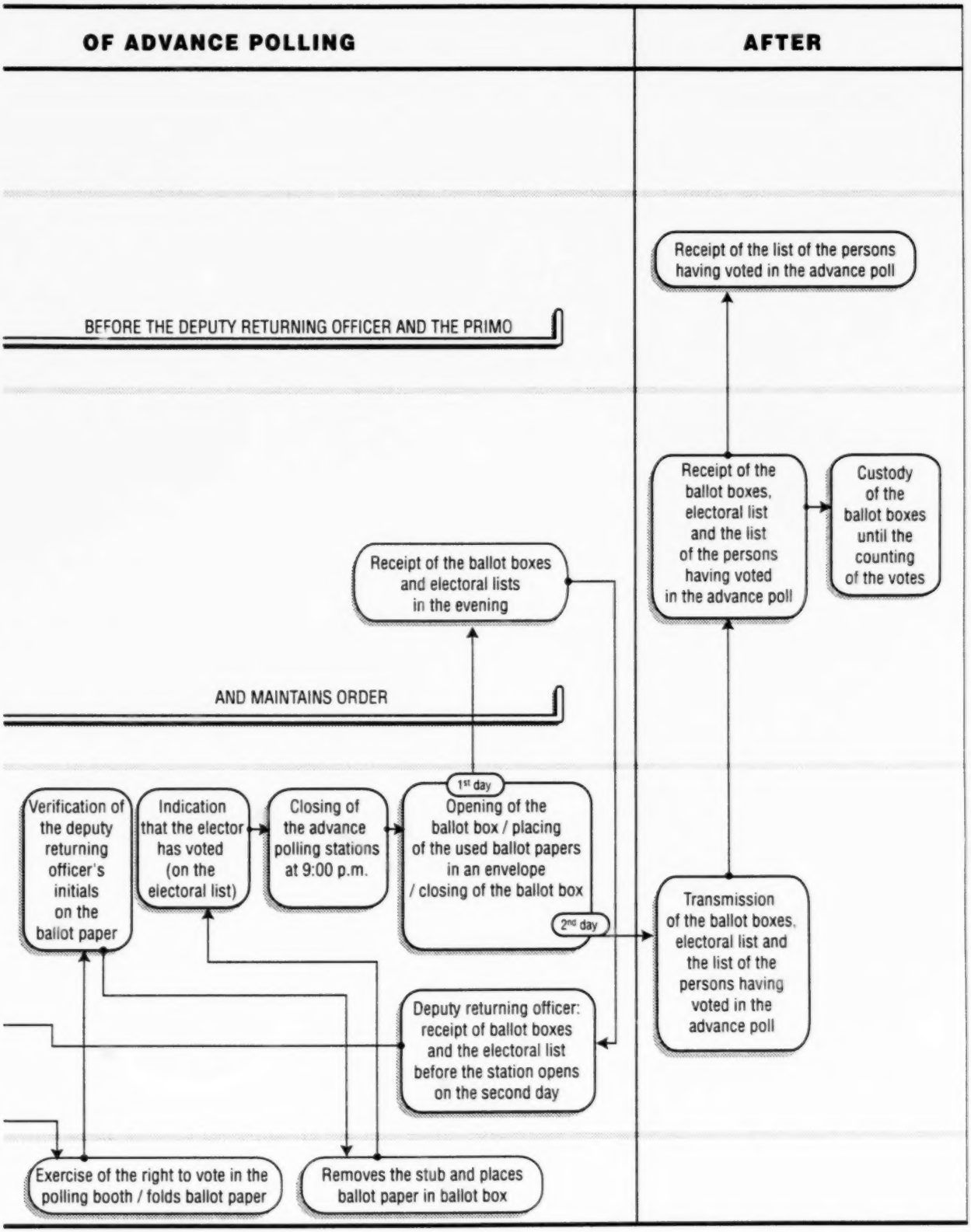
Without systematically reiterating the procedure mentioned for the advance poll, we will describe the differences that characterize the operations pertaining to the voting of inmates. These differences mainly concern the preparation of the list of electors and the ballot paper. To exercise his right to vote, the inmate must be registered on the list of electors of his house of detention. This is a list of electors designed specifically for this category of electors. It is the director of the house of detention who is responsible for drawing up the list of inmates who wish to be registered. This list contains the surname, given name, address of the domicile, sex and date of birth of the elector.

Following the operations concerning the list of electors, the returning officer of the electoral division in which there is a house of detention establishes, in cooperation with the director of this house, as many polling stations as he deems necessary. The appointment of election officers and the designation of the representatives of the candidates take place according to the same rules as those provided for election officers on polling day.

The Chief Electoral Officer has the ballot papers printed for all of the polling stations of the various houses of detention. These ballot papers are the same as those used at the time of the advance poll and on polling day.

10.9 Dynamics between participants within the framework of advance polling


SEQUENCE
PARTICIPANTS
BEFORE
DURING THE 1st AND 2nd DAY
CHIEF ELECTORAL OFFICER
Directives to polling officers
POLITICAL PARTIES (CANDIDATES)
Recommendation of deputy returning officers, poll clerks, officers assigned to the list of electors and members of the identity verification panel
Designation of the representatives of candidates
REPRESENTATIVES OF THE CANDIDATES
RETURNING OFFICERS
Appointment of officers in charge of information and order (PRIMO) and taking of the oath
Appointment of deputy returning officers, poll clerks, officers assigned to the list of electors and members of the identity verification panel and swearing-in
Setting up of advance polling stations
Training of polling officers
Delivery of ballot boxes to the deputy returning officers
PRIMO: WELCOMES THE ELECTOR
ELECTION OFFICERS
Assembly, custody and filling of ballot boxes
Participation in polling officer training sessions
Receipt of the ballot boxes (deputy returning officers)
Preliminary formalities:
- physical arrangement of the advance polling stations
- verification of the contents of the ballot box
- preparation of the ballot box and election material
- opening of the polling station (1st and 2nd)
- verification of elector's registration
- identification of the elector by means of an identification card or at the verification table
- taking of the oath by the elector
- information on how to vote
- delivery of a ballot paper to the elector with the deputy returning officer's initials
ELECTORS
Elector goes to his polling station


OF ADVANCE POLLING
AFTER
Receipt of the list of the persons having voted in the advance poll
BEFORE THE DEPUTY RETURNING OFFICER AND THE PRIMO
Receipt of the ballot boxes, electoral list and the list of the persons having voted in the advance poll
Custody of the ballot boxes until the counting of the votes
Receipt of the ballot boxes and electoral lists in the evening
AND MAINTAINS ORDER
1st day
Verification of the deputy returning officer's initials on the ballot paper
Indication that the elector has voted (on the electoral list)
Closing of the advance polling stations at 9:00 p.m.
Opening of the ballot box / placing of the used ballot papers in an envelope / closing of the ballot box
2nd day
Transmission of the ballot boxes, electoral list and the list of the persons having voted in the advance poll
Deputy returning officer: receipt of ballot boxes and the electoral list before the station opens on the second day
Exercise of the right to vote in the polling booth / folds ballot paper
Removes the stub and places ballot paper in ballot box

11 Voting on polling day

11.1 What is voting on polling day?

Every person who is a qualified elector, who is registered on the list of electors and who did not vote in the advance poll, is invited to come exercise his right to vote on polling day between 9:30 a.m. and 8:30 p.m. All the electors of a polling subdivision are assigned to the same polling station. Each polling station can receive up to a maximum of 350 electors. Each polling place comprises several polling stations included within the boundaries of an electoral precinct.

11.2 Who does what on polling day?

Before

Several operations are necessary before the polling stations open on polling day. First, the returning officer determines and groups the polling stations of his electoral division in public places, offering convenient access. He has the reminder cards printed. These cards inform the electors about the place, the date, the times of the poll and the particulars on the ballot paper. This card is distributed to all the dwellings of the electoral division not later than two days before the vote.

The returning officer also appoints, trains and administers the oath of office to the polling officers. The latter include an officer in charge of information and order (primo) for each polling place (group of polling stations), as well as a deputy returning officer and a poll clerk for each polling station. The two officers assigned to the list of electors for each polling station, the deputy returning officer, the poll clerk and two of the three members of the identity verification panel are appointed on the recommendation of the candidates of the authorized political parties, according to how these parties ranked in the last election. An independent member elected as such and who is running for re-election may make a recommendation concerning the choice of the deputy returning officer. Each candidate may designate a representative that he mandates by power of attorney to act on his behalf, on polling day, with the

deputy returning officer or the officer in charge of information and order. In the three days preceding the poll, the returning officer transmits to each deputy returning officer of each polling station, in addition to the material necessary for voting, a ballot box comprising the list of electors of the polling subdivision, the list of the electors who participated in the advance poll, a poll book, the ballot papers required (in a sealed envelope) and the documents to count the votes.

During

Prior to the opening of the polling stations, the election officers arrange the premises in accordance with the standards issued by the Chief Electoral Officer. The ballot box is opened and its contents are checked in the presence of the representatives of the candidates in the election.

After the deputy returning officer has made sure that the ballot box contains no ballot paper, he seals it again and places it in such a manner that it is visible to everyone.

The Election Act stipulates that the polling stations shall be open from 9:30 a.m. to 8:30 p.m. Upon his arrival at the voting place, the elector is welcomed by the officer in charge of information and order who directs him to the appropriate polling station. This officer must ensure that only one person at a time is admitted to the polling station. The elector goes to his polling station and gives his name and address. The elector must also establish his identity by presenting his health insurance card, his driver's licence or his Canadian passport. An elector who is unable to present one of these documents is directed to the identity verification panel. For each place where a polling station is situated, the returning officer shall establish an identity verification panel. This panel is made up of three members, including a president, appointed by the returning officer. The elector must state that he is indeed the elector whose name appears on the list of electors, sign the oath provided for this purpose and either present at least two documents that prove his identity or be accompanied by a person who attests to the identity and address of the elector after the person in question has established his identity pursuant to the Act.

The elector is then allowed to vote by the deputy returning officer after the latter has made sure that the elector has not already voted and that his name is entered on the list of electors. When an election officer or the representative of a candidate raises a doubt as to an elector's eligibility to vote, the elector must take an oath, and the reasons for this requirement must be entered in the poll book by the poll clerk.

After having initialed the ballot paper, the deputy returning officer gives it to the elector who goes to the polling booth to mark his choice there. The elector marks the ballot paper using the pencil that the deputy returning officer gave him at the same time as the ballot paper. An elector who is unable to mark his ballot paper may request assistance. In the case of a person who is visually handicapped, a template is given to him upon request so that he can exercise his right to vote without assistance. The deputy returning officer then tells him the order in which the candidates appear on the ballot paper and the person makes his choice by locating and marking the circle corresponding to the candidate chosen.

A deaf or mute elector may be assisted, for the purposes of communicating with election officers and the representatives, by a person capable of interpreting sign language.

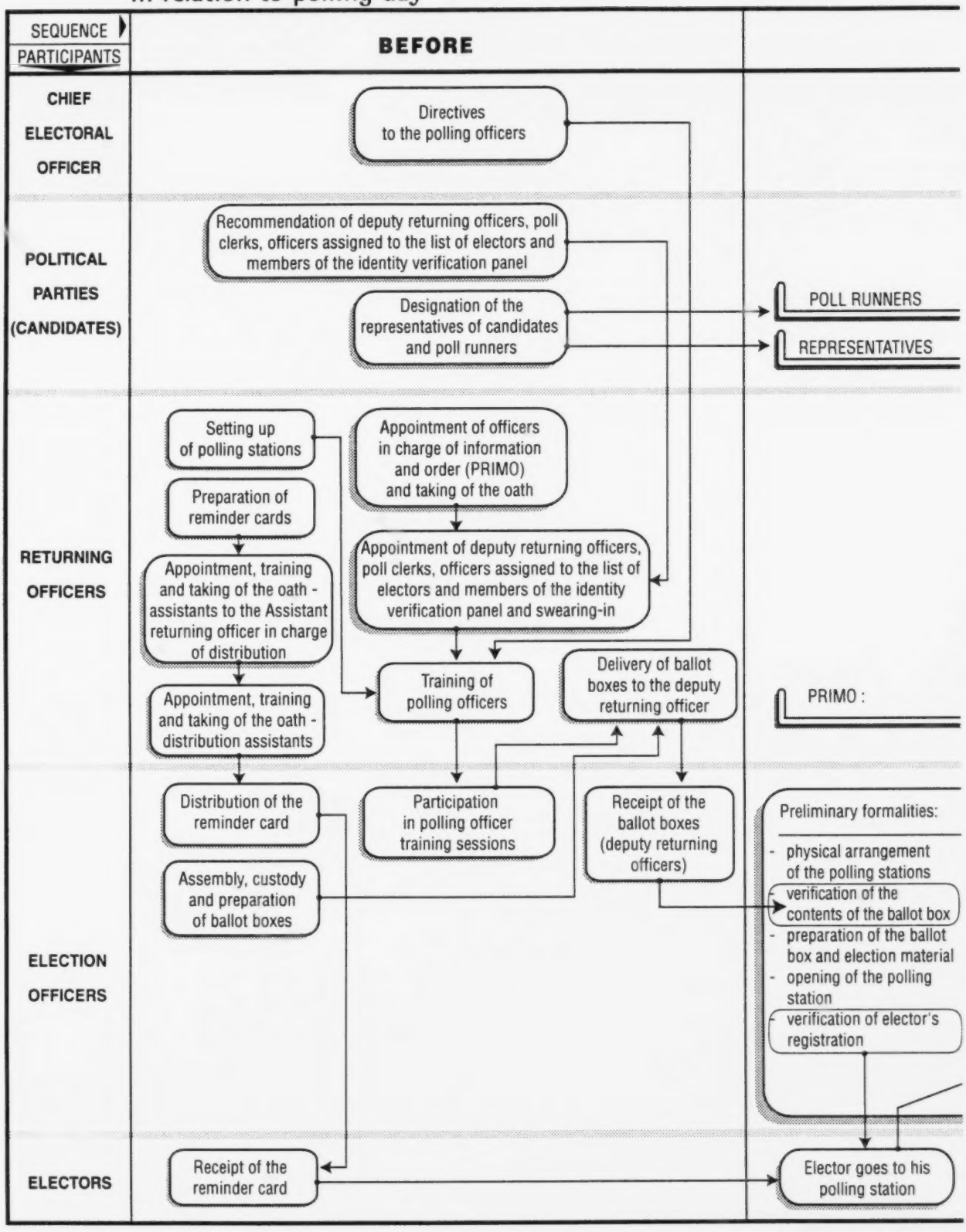
Upon returning from the polling booth, the elector, after having allowed the officials to examine the initials on the ballot paper, removes the stub and deposits the ballot paper in the ballot box himself. The poll clerk then indicates on the list of electors that the elector has voted. Each candidate may designate, for each place where there are polling stations, a poll runner that he mandates by power-of-attorney to collect, at fairly regular intervals, the lists of the persons who have already exercised their right to vote[29]. Once the power-of-attorney has been presented to the deputy returning officer or to the officer in charge of information and order, as the case may be, it is the representative of the candidate who gives the list of the persons who have already voted to the poll runner.

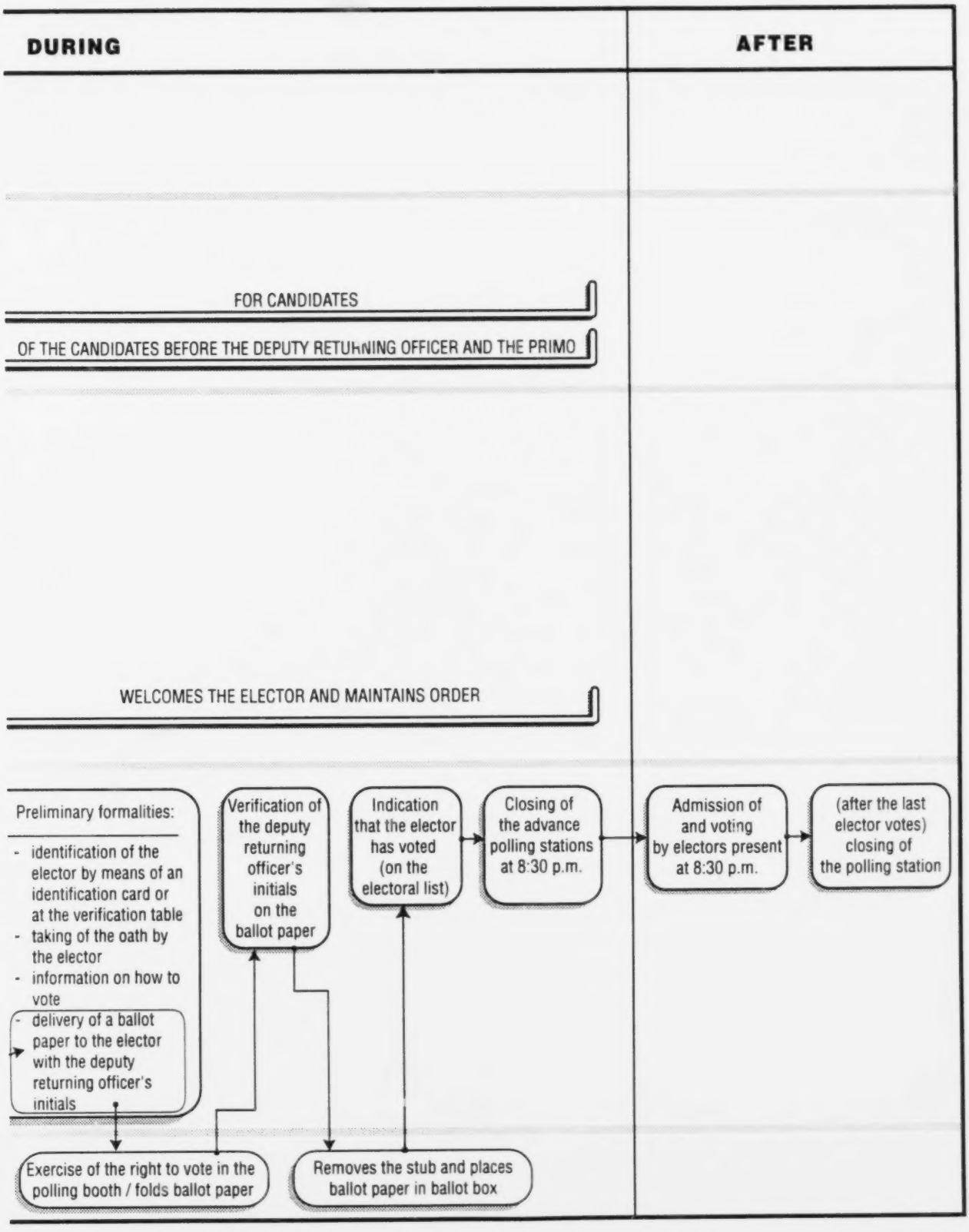
After

The polling station closes at 8:30 p.m. At the time of closing, only those electors present on the premises of the polling station at the time set for the closing of the poll and who have not voted may be admitted to vote. It is then up to the officer in charge of information and order to have the electors who are waiting to vote at 8:30 p.m. enter the place where the polling stations are located. As soon as the last person admitted has exercised his right to vote, the poll is closed.

[29] The representative with the primo may also act as the poll runner.

11.3 Dynamics between participants in relation to polling day


SEQUENCE
PARTICIPANTS
BEFORE
CHIEF ELECTORAL OFFICER
Directives to the polling officers
POLITICAL PARTIES (CANDIDATES)
Recommendation of deputy returning officers, poll clerks, officers assigned to the list of electors and members of the identity verification panel
Designation of the representatives of candidates and poll runners
POLL RUNNERS
REPRESENTATIVES
RETURNING OFFICERS
Setting up of polling stations
Preparation of reminder cards
Appointment, training and taking of the oath - assistants to the Assistant returning officer in charge of distribution
Appointment, training and taking of the oath - distribution assistants
Appointment of officers in charge of information and order (PRIMO) and taking of the oath
Appointment of deputy returning officers, poll clerks, officers assigned to the list of electors and members of the identity verification panel and swearing-in
Training of polling officers
Delivery of ballot boxes to the deputy returning officer
PRIMO :
ELECTION OFFICERS
Distribution of the reminder card
Assembly, custody and preparation of ballot boxes
Participation in polling officer training sessions
Receipt of the ballot boxes (deputy returning officers)
Preliminary formalities:
- physical arrangement of the polling stations
- verification of the contents of the ballot box
- preparation of the ballot box and election material
- opening of the polling station
- verification of elector's registration
ELECTORS
Receipt of the reminder card
Elector goes to his polling station


DURING
AFTER
FOR CANDIDATES
OF THE CANDIDATES BEFORE THE DEPUTY RETURNING OFFICER AND THE PRIMO
WELCOMES THE ELECTOR AND MAINTAINS ORDER
Preliminary formalities:
- identification of the elector by means of an identification card or at the verification table
- taking of the oath by the elector
- information on how to vote
- delivery of a ballot paper to the elector with the deputy returning officer's initials
Verification of the deputy returning officer's initials on the ballot paper
Indication that the elector has voted (on the electoral list)
Closing of the advance polling stations at 8:30 p.m.
Admission of and voting by electors present at 8:30 p.m.
(after the last elector votes) closing of the polling station
Exercise of the right to vote in the polling booth / folds ballot paper
Removes the stub and places ballot paper in ballot box

12 Results of an election

12.1 How is the vote of electors calculated?

Following the closing of the poll, two operations are necessary to find out the official results of the elections in each division and for all of Québec:

- the counting of the votes on the evening of the election;
- the addition of the votes on the day after polling day.

Following these two operations, the returning officer declares elected the candidate who, at the end of the addition of the votes, obtained the greatest number of votes.

12.2 What is the counting of the votes?

The counting of the votes is the operation that makes it possible to validate and to count the ballot papers. This operation comprises three separate yet complementary steps:

- the counting of the votes on polling day in each polling subdivision;
- the counting of the votes of the advance poll in several polling subdivisions;
- and the counting of the votes of electors outside Québec and the votes of inmates at the electoral division level.

Except for the counting of the votes of electors outside Québec and of the votes of inmates, these operations are carried out simultaneously by the polling officers at 8:30 p.m. on the evening of the general election. However, it should be pointed out that the counting of the votes cast on polling day may only begin when the last person admitted to the polling station has exercised his right to vote.

12.3 What is the addition of the votes?

The addition of the votes is the operation that makes it possible to compile and to make official the detailed results of the electoral division based on the results of the counting of the votes. The addition of the votes takes place at 9:00 a.m. on the day after polling day at the main office of the returning officer.

12.4 Who does what during the counting of the votes cast on polling day?

In the presence of the representatives of the candidates, the deputy returning officer and the poll clerk of each polling station on polling day proceed with the counting of the votes on election night. They are the only persons entitled to be present.

Before proceeding to open the ballot box, the deputy returning officer records one after another the number of spoiled or canceled ballot papers and the unused ballot papers. The deputy returning officer places in separate envelopes each group of ballot papers. The poll clerk enters this information on the statement of votes in addition to indicating thereon the number of electors having voted according to the entries on the list of electors and the abstracts of changes.

The operations that follow the opening of the ballot box must be carried out in a precise sequential order, making it possible to avoid the loss of any ballot papers and any error or confusion in the count of the votes. The deputy returning officer removes the ballot papers from the ballot box, unfolds them, examines them and checks his initials. The poll clerk and the representatives of the candidates may in turn examine the ballot paper.

The examination of the ballot paper must permit the validation or rejection of each ballot paper. A ballot paper is valid when the elector marks the ballot paper in one of the circles. The elector must make his choice using the pencil that the deputy returning officer gave him at the same time as the ballot paper.

The deputy returning officer rejects a ballot paper which, under the terms of the Election Act, has one of the following nine characteristics:

1. A ballot paper that has not been furnished by the deputy returning officer;
2. A ballot paper that does not bear the initials of the deputy returning officer;
3. A ballot paper that has not been marked by the elector;

4. A ballot paper that has been marked in favour of more than one candidate;
5. A ballot paper that has been marked in favour of a person who is not a candidate;
6. A ballot paper that has been marked elsewhere than in a circle;
7. A ballot paper that bears fanciful or injurious entries;
8. A ballot paper that bears a mark by which the elector can be identified;
9. A ballot paper that was marked otherwise than with the pencil that the deputy returning officer gave the elector.

A ballot paper that does not bear the initials of the deputy returning officer cannot be rejected when the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the list of electors or the poll book, were placed in it.

No ballot paper may be invalidated because the stub of the ballot paper was not detached by the elector before placing it in the ballot box, when the mark made in one of the circles by the elector extends beyond the circumference of the circle or because the circle is not completely filled in by the mark made by the elector.

Every objection in respect to the validity of a ballot paper receives immediate consideration and is decided upon by the deputy returning officer. Following his decision on the validity of a ballot paper that gave rise to an objection, the deputy returning officer must number and enter his decision in the poll book. He enters on the back of the ballot paper the number corresponding to the book. The deputy returning officer then compiles in the statistical abstract of rejected ballot papers the reasons for rejecting these ballot papers.

After having counted all the ballot papers, the deputy returning officer counts the rejected ballot papers and the ballot papers marked in favour of each candidate. After having placed in separate envelopes, the ballot papers marked in favour of each candidate and having placed the rejected ballot papers in another envelope, the deputy returning officer enters each result on the statement of votes.

The deputy returning officer gives a copy of the statement of votes to the officer in charge of information and order, who is the sole person responsible for the transmission by telephone of the results of the counting of votes to the office of the returning officer. The entire counting operation must allow the officer in charge of information of a polling place to announce as early as possible the result of the vote of each polling station to the office of the returning officer.

At the same time, the returning officer receives the results from all the officers in charge of information and order of his division as part of the procedure to compile the results of the poll. In following this procedure, the returning officer supplies the preliminary results of the division to the representatives of the candidates or to the media as the results become available on election night.

After having given to the officer in charge of information and order a copy of the statement of votes, the deputy returning officer gives copies to the representative of each candidate and to the poll clerk of the polling station. The deputy returning officer also keeps a copy. A final copy of this statement is intended for the returning officer who receives it at his offices at the same time as the ballot box of the poll containing the election material from the polling station.

12.5 Who does what during the counting of the votes of the advance poll?

The counting of the votes of the advance poll is done on election night at 8:30 p.m. at the main office of the returning officer or at a place designated by him.

Insofar as possible, it is the deputy returning officer and the poll clerk who were on duty on the two days of the advance poll who do the counting of the votes in the company of the representatives of the political parties. Before proceeding with the counting of votes, the deputy returning officer and the poll clerk of the polling station must take an oath.

On election night, the counting of votes of the advance poll can begin directly with the opening of the ballot box as the operation of placing the ballot papers in envelopes was already done at the closing of the polling stations on the first and second evenings of the advance poll. To proceed with the validation of the ballot papers, the election officers withdraw from the ballot box the envelope containing the used ballot papers, open it and place in the ballot box all the ballot papers without having unfolded or examined them. The validation is carried out following the instructions already mentioned for the counting of votes cast on polling day.

It is the deputy returning officer who personally transmits the statement of votes as well as the ballot box to the staff of the office of the returning officer.

When the counting of the votes of the advance poll occurs in a place other than the office of the returning officer, the deputy returning officer first transmits, by telephone, the results of the polling stations for each candidate.

12.6 Who does what during the counting of the votes of electors outside Québec?

The counting of the votes of electors outside Québec can begin starting from 9:00 a.m. on polling day. This operation is carried out under the responsibility of the Chief Electoral Officer from his Québec offices. However, the results are not communicated before 8:30 p.m. on election night, namely after the closing of the polling stations.

We have seen that the electors outside Québec exercise their right to vote by mail, using the material sent to them by the Chief Electoral Officer. Once received by the Chief Electoral Officer, the votes of these electors are recorded on the basis of the electoral division in which their former domicile in Québec is located, namely the address provided at the time of the registration in the registry of electors outside Québec. After having compared the conformity of the elector's signature on the certification envelope with the one appearing on the registration application, the Chief Electoral Officer keeps the ballot paper envelope without opening it and files it according to the electoral division of the elector until polling day.

On polling day, the operation to count the votes of electors outside Québec takes place in two stages:

1. Count the votes of electors outside Québec received for each electoral division;
2. Then transmit the result of the counting of the votes to the main office of the returning officer of each of the electoral divisions in question.

The election officers responsible for counting the votes of electors outside Québec are appointed by the Chief Electoral Officer, on the recommendation of the two political parties that obtained the greatest number of votes in the last election. With the representatives of the political parties, only those persons designated by the Chief Electoral Officer can attend or be present at the counting of the votes.

The deputy returning officer proceeds with the counting of the votes of electors outside Québec in the following manner. He takes each ballot paper envelope, opens it and removes the ballot paper. After having destroyed the envelope, he checks to see if there are initials on the back of the ballot paper. He examines the ballot paper and allows each person present to examine it. He then decides that it is valid or rejects it. Finally, he groups the ballot papers in as many piles as there are candidates who obtained votes. He also groups all the rejected ballot papers.

Immediately after having counted all the ballot papers of a division, the deputy returning officer counts the valid ballot papers attributed to each candidate of the electoral division. He indicates the results on the statement of votes for the electoral division.

The results are then transmitted, by telephone or fax, to the returning officers of the divisions in question. An abstract of the statement of votes is sent to them later.

12.7 Who does what during the counting of the votes by inmates?

The counting of the votes by inmates may start beginning from 9:00 a.m. on polling day. This operation is carried out under the responsibility of the Chief Electoral Officer from his Québec offices. However, the results are not communicated before 8:30 p.m. on election night, namely after the closing of the polling stations.

We have seen that inmates exercise their right to vote at the polling station of their house of detention one week before the general poll. The voting of inmates takes place according to the electoral division of their domicile and not according to the one in which their house of detention is located. This characteristic of the voting of inmates affects the counting procedures as in a house of detention there are electors who have their domicile in several electoral divisions. As a result, the operation to count the votes of inmates must take place in two stages:

1. Total the votes of the inmates of each polling station for each electoral division at the offices of the Chief Electoral Officer in Québec;
2. Then transmit the cumulative result to the office of the returning officer of each electoral division.

The election officers responsible for counting the votes are appointed by the Chief Electoral Officer on the recommendation of the two political parties that obtained the greatest number of votes at the last election.

With the representatives of the political parties, only those persons designated by the Chief Electoral Officer may attend or be present at the counting of votes.

The operation to count the votes of inmates takes place in the following manner. On polling day, at the place and time indicated by the Chief Electoral Officer, the deputy returning officer responsible for the voting of inmates opens the ballot box and removes the envelope containing the used ballot papers. After having opened this envelope, he places in

the ballot box the ballot papers in the envelope without unfolding or examining them.

Before proceeding with the actual validation, the deputy returning officer must divide the ballot papers from the voting of inmates according to the division in question. He must take each ballot paper one by one, unfold it, examine the name of the electoral division that appears on the back of the ballot paper and place each ballot paper, without counting them, in an envelope corresponding to the electoral division.

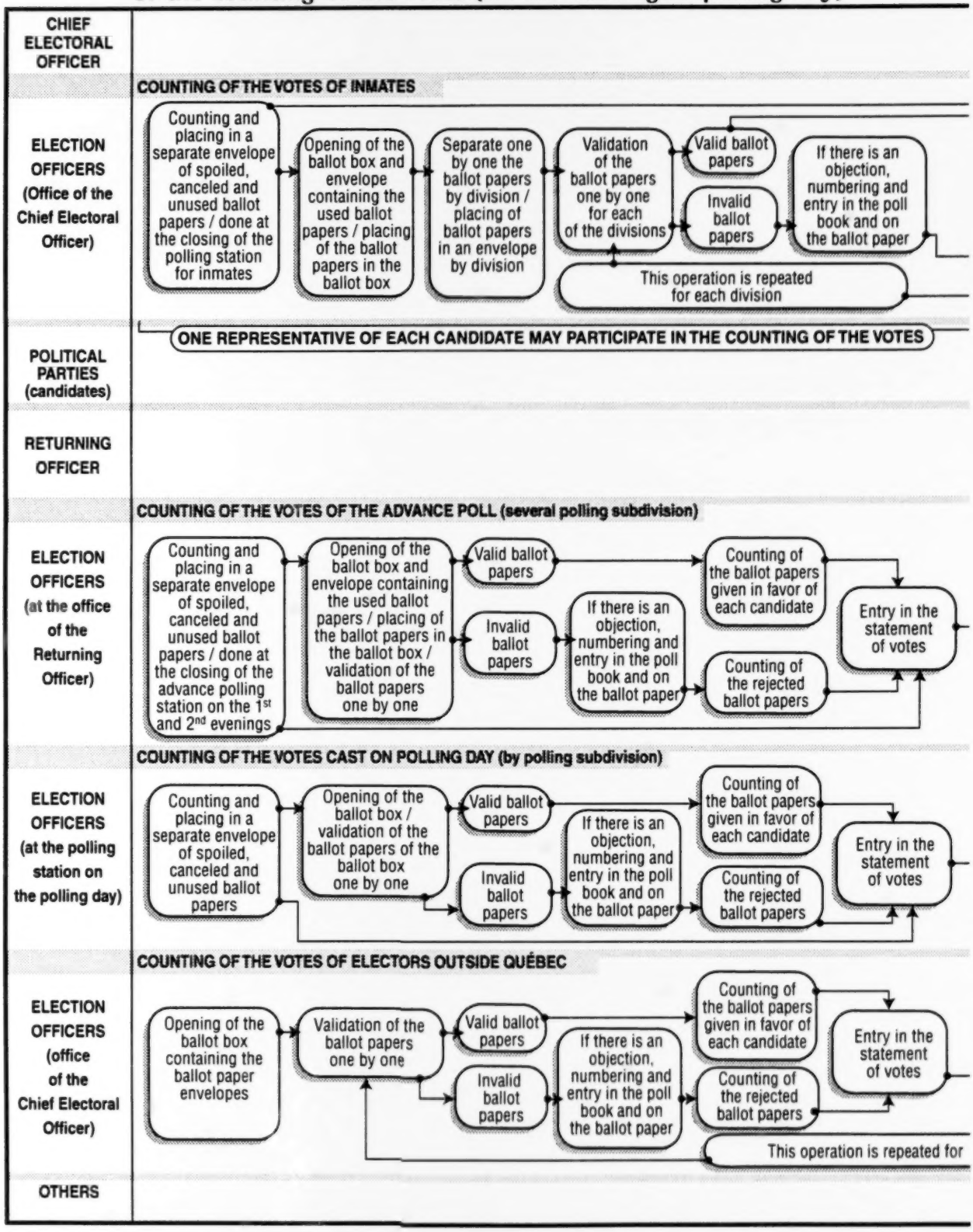
It is only after this operation to classify the ballot papers by division that the validation procedure may begin. The counting of votes is done by division, one at a time, according to the same procedure as that used for the counting of the votes cast on polling day.

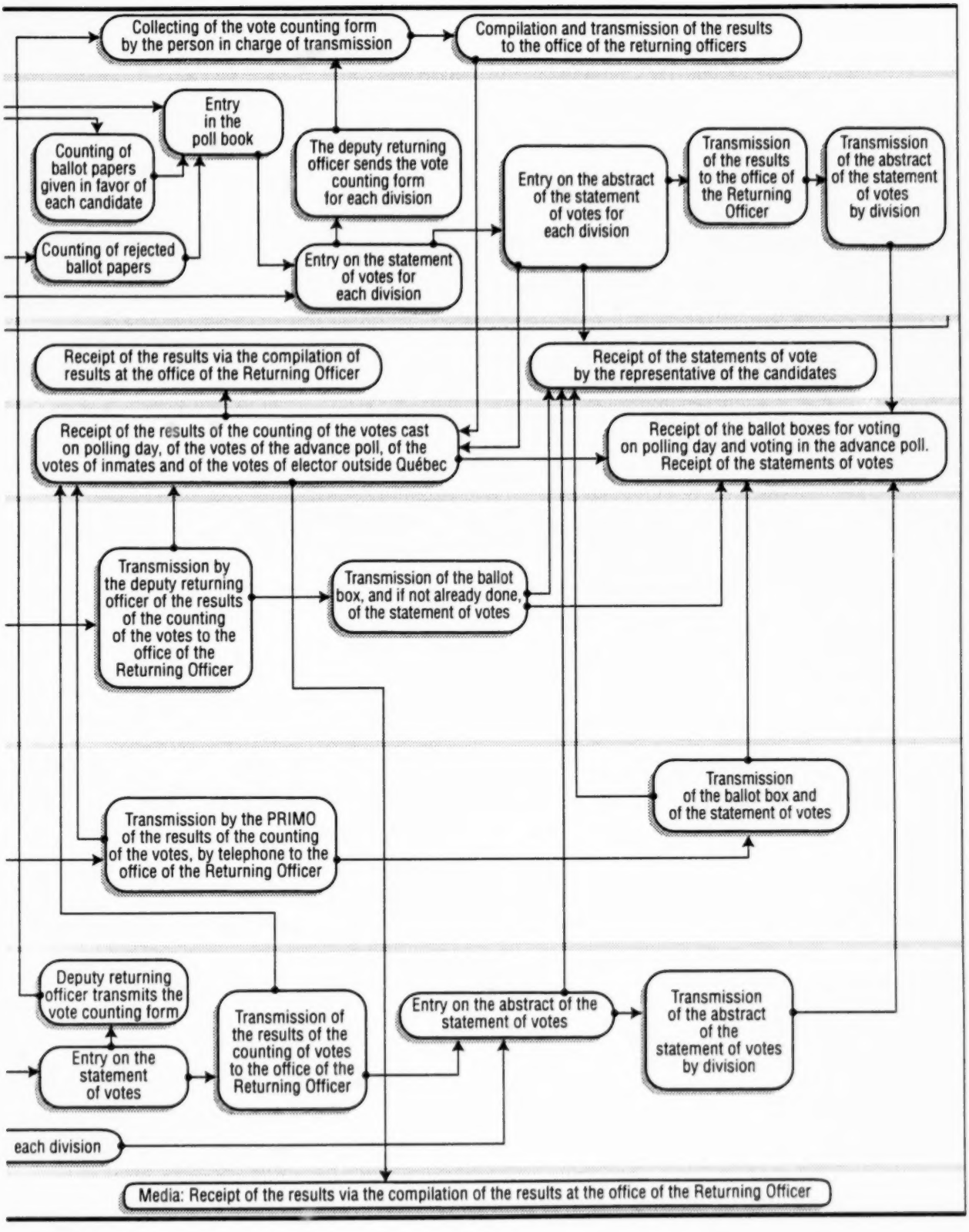
Immediately after having counted all the ballot papers of a division, the deputy returning officer counts the rejected ballot papers and the valid ballot papers attributed to each candidate of the electoral division. He indicates the results on the statement of votes for each of the electoral divisions concerned.

As with the counting of the votes cast on polling day, the deputy returning officer completes a statement of votes for each division in question. The deputy returning officer must enter on this statement the name of the electoral division, the name of the candidates who obtained votes as well as the number of ballot papers that each candidate received.

The results are transmitted by telephone or fax to the returning officers of the divisions in question. An abstract of the statement of votes is then sent to them.

12.8 Dynamics between participants within the framework of the counting of the votes (on the evening of polling day)


CHIEF ELECTORAL OFFICER
COUNTING OF THE VOTES OF INMATES
ELECTION OFFICERS (Office of the Chief Electoral Officer)
Counting and placing in a separate envelope of spoiled, canceled and unused ballot papers / done at the closing of the polling station for inmates
Opening of the ballot box and envelope containing the used ballot papers / placing of the ballot papers in the ballot box
Separate one by one the ballot papers by division / placing of ballot papers in an envelope by division
Validation of the ballot papers one by one for each of the divisions
Valid ballot papers
Invalid ballot papers
If there is an objection, numbering and entry in the poll book and on the ballot paper
This operation is repeated for each division
POLITICAL PARTIES (candidates)
ONE REPRESENTATIVE OF EACH CANDIDATE MAY PARTICIPATE IN THE COUNTING OF THE VOTES
RETURNING OFFICER
COUNTING OF THE VOTES OF THE ADVANCE POLL (several polling subdivision)
ELECTION OFFICERS (at the office of the Returning Officer)
Counting and placing in a separate envelope of spoiled, canceled and unused ballot papers / done at the closing of the advance polling station on the 1st and 2nd evenings
Opening of the ballot box and envelope containing the used ballot papers / placing of the ballot papers in the ballot box / validation of the ballot papers one by one
Valid ballot papers
Invalid ballot papers
If there is an objection, numbering and entry in the poll book and on the ballot paper
Counting of the ballot papers given in favor of each candidate
Counting of the rejected ballot papers
Entry in the statement of votes
COUNTING OF THE VOTES CAST ON POLLING DAY (by polling subdivision)
ELECTION OFFICERS (at the polling station on the polling day)
Counting and placing in a separate envelope of spoiled, canceled and unused ballot papers
Opening of the ballot box / validation of the ballot papers of the ballot box one by one
Valid ballot papers
Invalid ballot papers
If there is an objection, numbering and entry in the poll book and on the ballot paper
Counting of the ballot papers given in favor of each candidate
Counting of the rejected ballot papers
Entry in the statement of votes
COUNTING OF THE VOTES OF ELECTORS OUTSIDE QUÉBEC
ELECTION OFFICERS (office of the Chief Electoral Officer)
Opening of the ballot box containing the ballot paper envelopes
Validation of the ballot papers one by one
Valid ballot papers
Invalid ballot papers
If there is an objection, numbering and entry in the poll book and on the ballot paper
Counting of the ballot papers given in favor of each candidate
Counting of the rejected ballot papers
Entry in the statement of votes
This operation is repeated for
OTHERS


Collecting of the vote counting form by the person in charge of transmission
Compilation and transmission of the results to the office of the returning officers
Entry in the poll book
Counting of ballot papers given in favor of each candidate
Counting of rejected ballot papers
The deputy returning officer sends the vote counting form for each division
Entry on the statement of votes for each division
Entry on the abstract of the statement of votes for each division
Transmission of the results to the office of the Returning Officer
Transmission of the abstract of the statement of votes by division
Receipt of the results via the compilation of results at the office of the Returning Officer
Receipt of the statements of vote by the representative of the candidates
Receipt of the results of the counting of the votes cast on polling day, of the votes of the advance poll, of the votes of inmates and of the votes of elector outside Québec
Receipt of the ballot boxes for voting on polling day and voting in the advance poll. Receipt of the statements of votes
Transmission by the deputy returning officer of the results of the counting of the votes to the office of the Returning Officer
Transmission of the ballot box, and if not already done, of the statement of votes
Transmission of the ballot box and of the statement of votes
Transmission by the PRIMO of the results of the counting of the votes, by telephone to the office of the Returning Officer
Deputy returning officer transmits the vote counting form
Entry on the statement of votes
Transmission of the results of the counting of votes to the office of the Returning Officer
Entry on the abstract of the statement of votes
Transmission of the abstract of the statement of votes by division
each division
Media: Receipt of the results via the compilation of the results at the office of the Returning Officer

12.9 Who does what during the addition of the votes?

The addition of the votes begins at 9:00 a.m. on the day after the counting of the votes at the main office of the returning officer. All candidates are officially convened by the returning officer for this operation and interested electors may also participate.

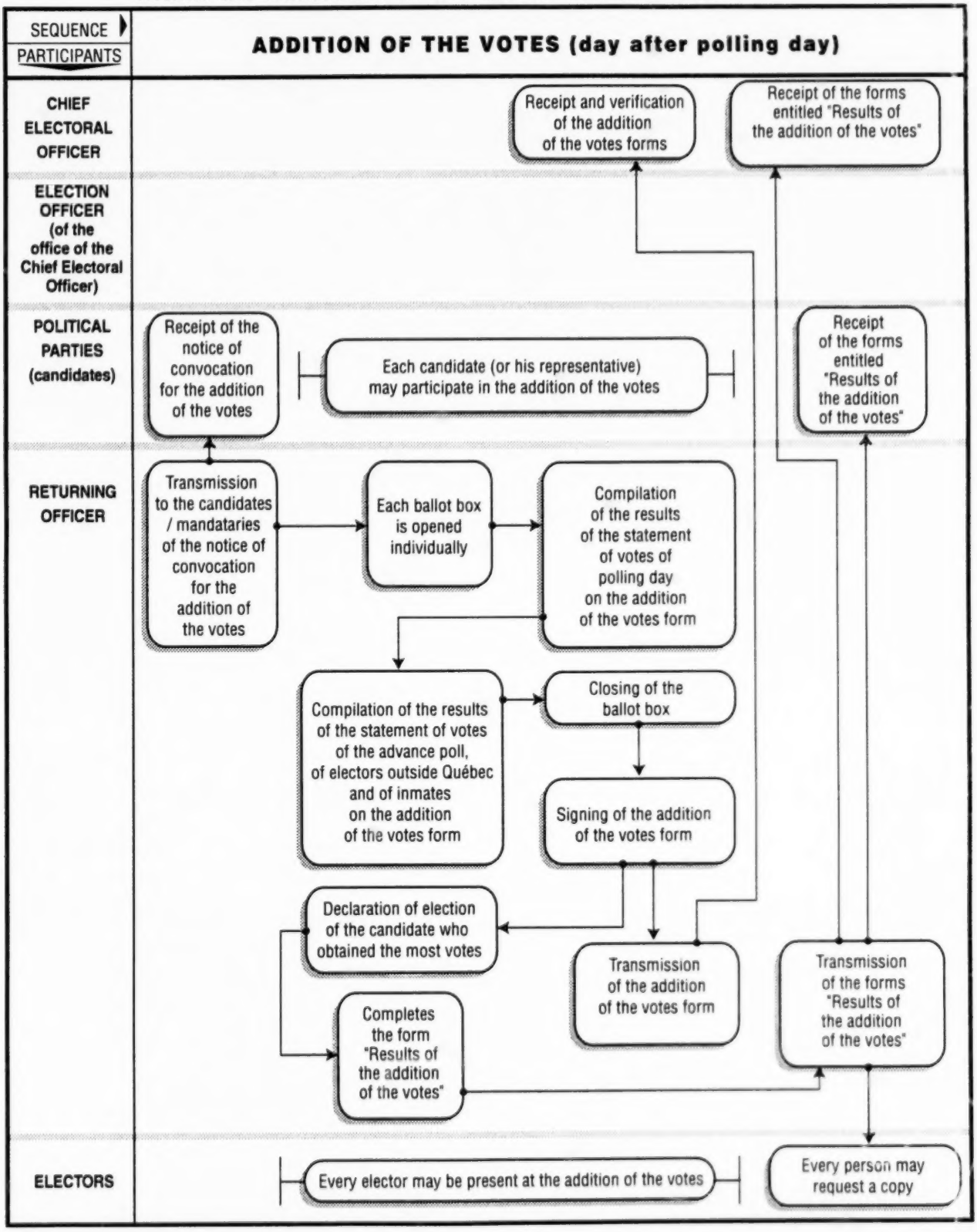
During the addition of the votes, each ballot box must be treated separately. The returning officer opens the ballot box of polling station no. 1, recovers the statement of votes, ensures the recording of the data on the "addition of the votes" form and closes the ballot box. He repeats this operation for each polling station. It should be noted that the envelopes containing the ballot papers are not opened during this operation.

The "addition of the votes" form itemizes the results of the poll specifying for each polling subdivision the number of electors entered on the list of electors, the number of votes attributed to each candidate, the number of valid and rejected ballot papers, in accordance with the statement of votes of each polling subdivision. The results of the advance polling stations (indicating the reference to the number of polling subdivisions grouped in each advance polling station), the voting of electors outside Québec and the voting of inmates are added on the last page of this form.

The addition of the results of polling day, advance polling, the voting of electors outside Québec and the voting of inmates makes it possible to calculate the grand total of the results of the vote for the entire electoral division. Finally, the majority in favour of the candidate who received the greatest number of votes is indicated. The assembling of these forms for all the divisions constitutes the main element of the *Report on the official results of the election* published by the Chief Electoral Officer a few weeks after the holding of the poll.

Once the addition of the votes has been completed, the returning officer declares elected the candidate who obtained the greatest number of votes and gives to each candidate or to his representative a form indicating the results of the addition of the votes.

12.10 Dynamics between participants within the framework of the addition of the votes


SEQUENCE
PARTICIPANTS
ADDITION OF THE VOTES (day after polling day)
CHIEF ELECTORAL OFFICER
ELECTION OFFICER (of the office of the Chief Electoral Officer)
POLITICAL PARTIES (candidates)
RETURNING OFFICER
ELECTORS
Receipt and verification of the addition of the votes forms
Receipt of the forms entitled "Results of the addition of the votes"
Receipt of the notice of convocation for the addition of the votes
Each candidate (or his representative) may participate in the addition of the votes
Receipt of the forms entitled "Results of the addition of the votes"
Transmission to the candidates / mandataries of the notice of convocation for the addition of the votes
Each ballot box is opened individually
Compilation of the results of the statement of votes of polling day on the addition of the votes form
Compilation of the results of the statement of votes of the advance poll, of electors outside Québec and of inmates on the addition of the votes form
Closing of the ballot box
Signing of the addition of the votes form
Declaration of election of the candidate who obtained the most votes
Transmission of the addition of the votes form
Transmission of the forms "Results of the addition of the votes"
Completes the form "Results of the addition of the votes"
Every elector may be present at the addition of the votes
Every person may request a copy

13 Follow-up to the election

13.1 The post-election period

The counting of the votes on election night and the addition of the votes on the day after the poll do not put a final end to the electoral process.

Indeed, an electoral event only finally ends several months after polling day, when a series of operations will have been completed.

13.2 What are the activities that follow the election?

Judicial recount

Within four days after the addition of the votes, any person who has reasonable grounds to believe that irregularities occurred during the counting of the ballot papers, and any candidate who came second, where the majority is not over one-thousandth of the votes cast, may apply, by way of a motion, to the Court of Québec for a judicial recount. This operation begins within four days after the presentation of the motion in the presence of the returning officer and his assistant.

Upon conclusion of the recount, the judge compiles the votes cast in favour of each candidate, verifies or rectifies any statement of votes and certifies the results of the poll.

He then returns the ballot boxes to the returning officer and all the other documents used for the recount to the Chief Electoral Officer.

Declaration of election

If no application for a judicial recount of the votes is filed within four days following the day of the addition of the votes, the returning officer declares elected the candidate having received the greatest number of votes (relative majority). He sends a copy of the declaration of election to each of the candidates and to the Chief Electoral Officer. The latter draws up a list of the candidates declared elected. This list is sent to the

Secretary General of the National Assembly. As soon as possible the Chief Electoral Officer publishes a notice in the Gazette officielle du Québec indicating the surname and given name of each elected candidate, his political affiliation and the name of his electoral division. The date of the receipt of the list of elected candidates by the Secretary General of the National Assembly is also indicated. The candidates declared elected become Members of the National Assembly from the receipt by the Secretary General of the National Assembly of that list.

Contestation of elections

An elector who is qualified to vote in an electoral division or a candidate of this division may contest the election if there was an irregularity or a corrupt electoral practice. An election is contested by way of a motion to the Court of Québec of the judicial district in which is situated the electoral division where the election was held. The motion is presented within 30 days of the declaration of election or within 30 days of a corrupt electoral practice where such a practice was used after the declaration of election. The motion to contest the election is heard by three judges and the judgment is rendered by a majority of such judges. An appeal lies to the Court of Appeal and must be brought within 15 days from the judgment of the Court of Québec. The judgment of the Court of Appeal is final and no appeal lies from it.

Return of the election

The Chief Electoral Officer shall publish after the election a detailed return of the election containing, in particular, the results of each electoral division. He shall indicate the number of votes cast in favour of each candidate, the number of valid ballot papers and the number of rejected ballot papers broken down by electoral precinct and by polling subdivision. The return is transmitted to the Secretary General of the National Assembly.

Financing and election expenses

Following an election, several intervening parties carry out operations as part of the administration of the Election Act with respect to the financing of political parties, independent candidates and the control of election expenses.

Elected candidates and those candidates having obtained at least 15% of the valid votes receive an advance on the reimbursement of their election expenses, equivalent to 35% of the limit on the expenses set by the Act.

The official agents of the political parties must prepare a return of election expenses within 120 days from polling day and deliver it to the Chief Electoral Officer. As for the official agents of candidates, they have 90 days to deliver their return of election expenses to the office of the Chief Electoral Officer.

In the case of authorized independent candidates, the financial report must be filed at the same time as the return of election expenses. The authorized parties, all the authorized authorities of a party as well as independent members must file a financial report no later than April 1st of each year. When this deadline expires during an election period, it is postponed to the ninetieth day following the date of the general elections or to the one-hundred-and-twentieth day if the deadline expires in the 90 days following the holding of an election. These deadlines also apply during a by-election.

Every person to whom an amount is due for an election expense must present his claim to the official agent within 60 days after polling day. After the expiry of this time, the creditor has 120 days to file his claim with the Chief Electoral Officer, failing which his claim is prescribed.

The Chief Electoral Officer audits all the returns of election expenses of candidates. The purpose of this audit is to make sure that all expenses were incurred in conformity with the Election Act and that they were paid from a legally constituted election fund. This audit is also used to determine the amount of the reimbursement to which the candidates are entitled, namely 50% of the expenses incurred and paid in conformity with the Act. As the case may be, the Chief Electoral Officer claims within thirty days the reimbursement of the over-payment or draws a cheque corresponding to the difference between the amount of reimbursement to which the candidate is entitled and the amount of the advance paid.

After an audit of their return of election expenses, the Chief Electoral Officer also reimburses to political parties having received at least 1% of the valid votes an amount equal to 50% of the election expenses incurred and paid in conformity with this Act.

The Chief Electoral Officer makes public a summary of the returns of election expenses of candidates within sixty days after the time prescribed for their filing. The returns of election expenses of candidates, like their financial reports, are kept for two years and may be examined by any elector.

Complaints and proceedings

Persons who contravene the provisions of the Election Act are liable to proceedings which can lead to penalties, fines, even a prohibition to vote in another election, to run as a candidate and to sit in the National Assembly. It is the Chief Electoral Officer who may, on his own initiative or at the request of a person, make inquiry and institute proceedings against offenders. The Chief Electoral Officer is vested with the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions.

The grounds of the offences are numerous. It may involve the case of an elector who votes without being entitled to vote, exceeds the limit on contributions, commits a corrupt electoral practice, a candidate who accepts a contribution from a person who is not a qualified elector, etc.

The complaints may also deal with the nomination paper, the entry on the list of electors, the procedures for the revision as well as with the remuneration of election officers.

Recommendations of the returning officers

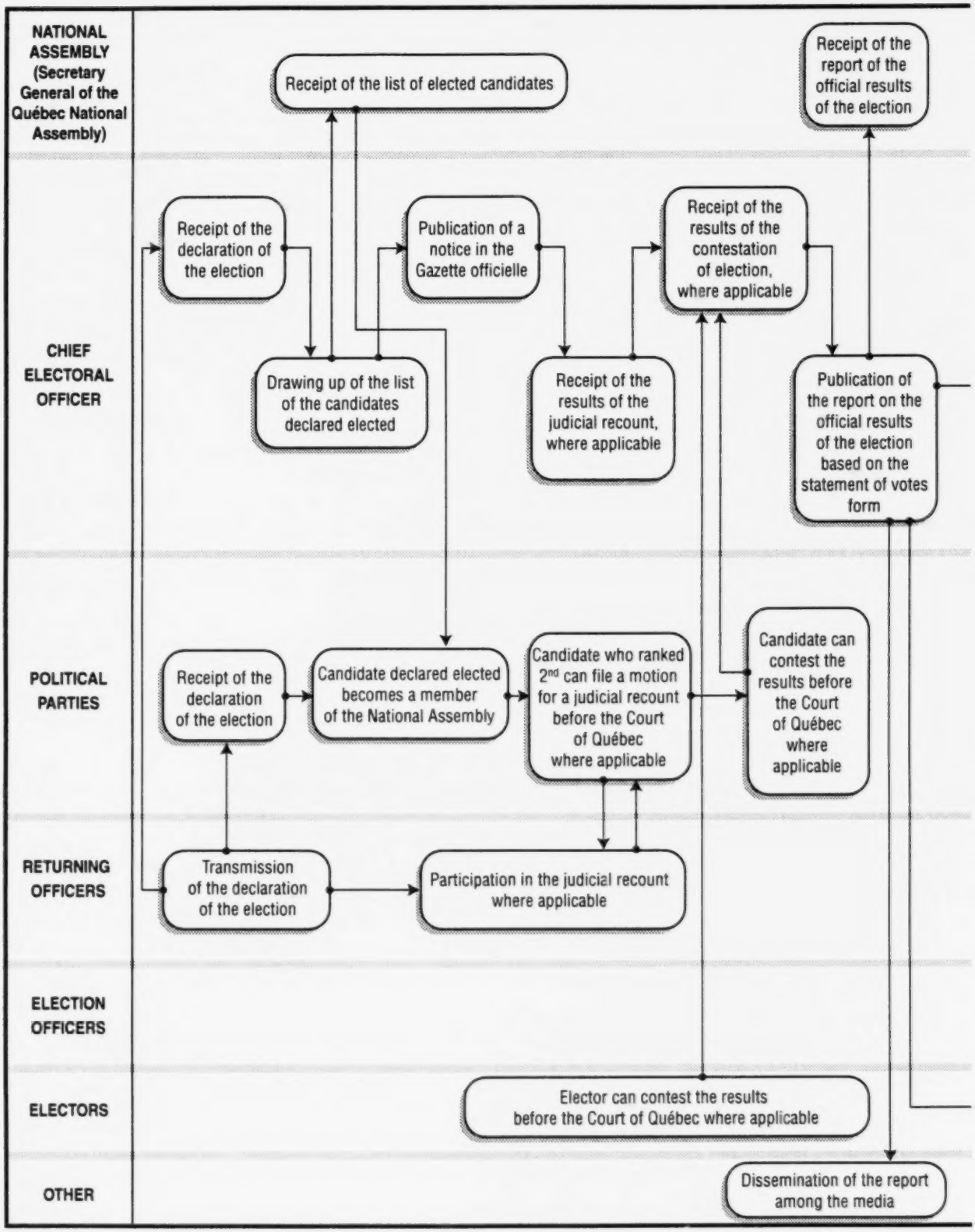
Before closing their main office, returning officers assess the way the election unfolded in their division. Their recommendations are received by the Chief Electoral Officer who summarizes them and makes an analysis allowing him to identify the improvements to be made to the management system in preparation for the following electoral events.

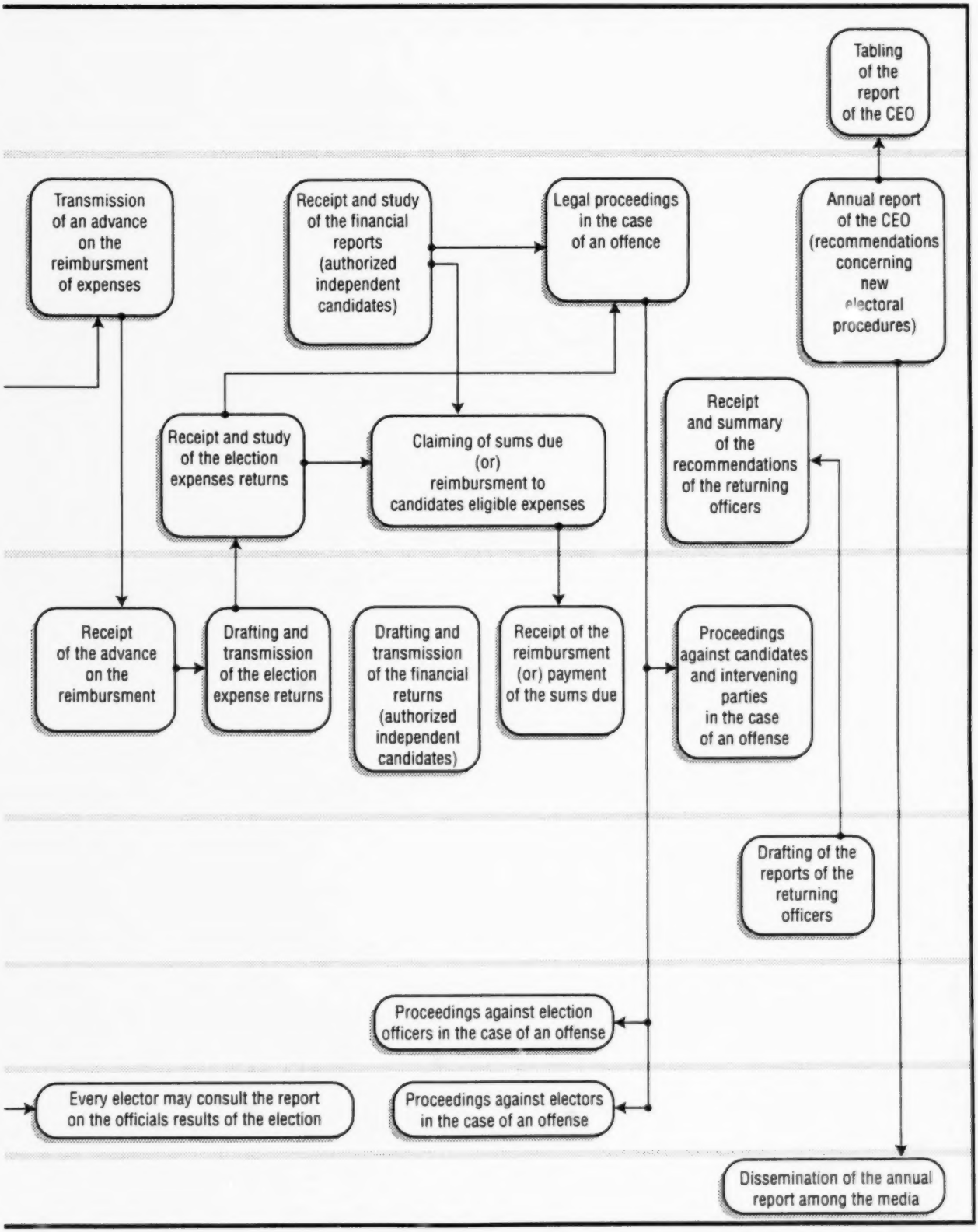
Annual report of the Chief Electoral Officer

In the annual report of his activities, the Chief Electoral Officer may recommend new electoral procedures or new rules concerning the financing of political parties. In addition, the report of the Chief Electoral Officer must describe the management of the permanent list of electors and include an assessment of the quality of the information found therein. This report is delivered to the President of the National Assembly not later than September 30th of each year.

The Chief Electoral Officer may try out, during a by-election, new voting procedures following agreement with the leaders of the authorized parties represented at the National Assembly.

13.3 Dynamics between participants after the election


NATIONAL ASSEMBLY (Secretary General of the Québec National Assembly)
Receipt of the list of elected candidates
Receipt of the report of the official results of the election
CHIEF ELECTORAL OFFICER
Receipt of the declaration of the election
Publication of a notice in the Gazette officielle
Receipt of the results of the contestation of election, where applicable
Drawing up of the list of the candidates declared elected
Receipt of the results of the judicial recount, where applicable
Publication of the report on the official results of the election based on the statement of votes form
POLITICAL PARTIES
Receipt of the declaration of the election
Candidate declared elected becomes a member of the National Assembly
Candidate who ranked 2nd can file a motion for a judicial recount before the Court of Québec where applicable
Candidate can contest the results before the Court of Québec where applicable
RETURNING OFFICERS
Transmission of the declaration of the election
Participation in the judicial recount where applicable
ELECTION OFFICERS
ELECTORS
Elector can contest the results before the Court of Québec where applicable
OTHER
Dissemination of the report among the media


Tabling of the report of the CEO
Transmission of an advance on the reimbursment of expenses
Receipt and study of the financial reports (authorized independent candidates)
Legal proceedings in the case of an offence
Annual report of the CEO (recommendations concerning new electoral procedures)
Receipt and study of the election expenses returns
Claiming of sums due (or) reimbursment to candidates eligible expenses
Receipt and summary of the recommendations of the returning officers
Receipt of the advance on the reimbursment
Drafting and transmission of the election expense returns
Drafting and transmission of the financial returns (authorized independent candidates)
Receipt of the reimbursment (or) payment of the sums due
Proceedings against candidates and intervening parties in the case of an offense
Drafting of the reports of the returning officers
Proceedings against election officers in the case of an offense
Every elector may consult the report on the officials results of the election
Proceedings against electors in the case of an offense
Dissemination of the annual report among the media

Conclusion

Permanent nature of electoral activities

Polls require a large number of activities and human resources which are made necessary due to the limited time in which the electoral processes take place and the considerable number of electors who participate in these processes.

Most people have the impression that the electoral system and its participants are only active at the time of an electoral event. Yet the choice that the elector makes on the ballot paper on polling day would not be possible were it not for the permanent nature of the electoral process. The preparations for the next election are just as important as the electoral events themselves.

Depending on the evolution of the political context, a general election or a by-election may be called at any time. As a result, each and every participant must *be ready at all times* according to his specific responsibilities. Electors make known their agreement or disagreement with the various policies of the government on an on-going basis. Political parties set up funding campaigns. As for the Chief Electoral Officer, he must carry out a host of activities: control of financing of the political parties, delimitation of electoral divisions, choice of new returning officers, updating of the directives and the election material, etc.

If democracy is often rightly associated with the act performed by electors who vote on polling day, it is now clear that this act would not be possible were it not for the permanent nature of electoral activities allowing for the exercise of the right to vote at any time.